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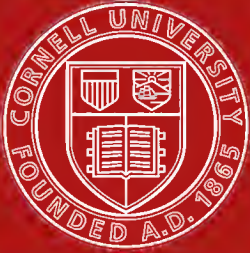
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NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and  
Translated into English

BY  
MICHAEL L. RODKINSON

SECTION MOED (FESTIVALS)  
TRACT PESACHIM (PASSOVER)

Volume V.

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## EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught. •

2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.

3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.

4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

5. Words or passages enclosed in round parentheses ( ) denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [ ] contain commentaries by authorities of the last period of construction of the Gemara.

TO THE  
HONORABLE ISIDOR STRAUS  
IN RECOGNITION OF  
HIS MANY PHILANTHROPIC DEEDS AND VALUABLE  
SERVICES IN THE CAUSE OF LITERATURE.

MOST RESPECTFULLY DEDICATED  
BY THE EDITOR  
MICHAEL L. RODKINSON.

NEW YORK, APRIL THE 6TH, 1898, THE EVE OF PASSOVER.





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\* We were told that some readers made reference to the synopsis instead of to the text. We have therefore, in the synopsis of this tract, omitted all conclusions. We will do so, likewise, in the future.



# TRACT PESACHIM (PASSOVER).

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## CHAPTER I.

REGULATIONS CONCERNING THE REMOVAL OF LEAVEN FROM THE HOUSE ON THE EVE OF PASSOVER AND THE EXACT TIME WHEN THIS MUST BE ACCOMPLISHED.

MISHNA : " Or " (by light) on the fourteenth (of Nissan), search should be made for leavened bread by the light of a candle, but it is not necessary to search all places in which it is not usual to put leaven. [Why then was it ordered, that two rows (of barrels) should be searched ? Because a warehouse or wine cellar is treated of, into which leavened bread is sometimes carried.] Beth Shammai decide " that search must be made between two rows of barrels over the whole surface of the warehouse " ; but Beth Hillel decree: It is sufficient to search between the two uppermost rows, as they are also the highest.

GEMARA: What is meant by " Or " ? Said R. Huna: " The dawn of day," and R. Jehudah said: " Night." At the first glance it was presumed that the word " Or " was actually explained by R. Huna to mean " the break of day," and by R. Jehudah to mean " night."

An objection was made, however, based upon the passage [Genesis xlv. 3]: " As soon as the morning was light ( ' Or ' ) the men were sent away," etc. Thus we see that " Or " means " day " ? Does then the passage say in the light of the morning ? it says distinctly " when the morning was light," which means when the morning was already light, the men were sent away.

Another objection was made: It is written [II Samuel xxiii. 4]: " And as in the light of morning the sun riseth," whence we see that by light is meant " day." Does it then read in the passage " Or Boker " (light is morning) ? It reads " Uchor Boker," which means " as the light of the morning," and this should be understood thus: " As the light of the morning on

this earth; so will the sun shine for the righteous in the world to come."

Another objection was made: "It is written [Gen. i. 5]: 'And God called the Or (light) Day,' whence we see, that light (Or) is day?" The passage means to say, that just as soon as it dawned the Lord called it "day."

Another objection was made: "It is written [Psalms cxlviii. 3]: 'Praise him, all ye stars of light (Or).' Whence we see that Or means night?" The passage means to say, "Ye stars that light."

Another objection was made: "It is written [Job xxiv. 14]: 'With the earliest light (Le-Or) riseth the murderer, he slayeth the poor and needy, and in the night he becometh like the thief.' Now, if the latter part of the passage states 'in the night he becometh like the thief,' then the first part must certainly mean to state, that at break of day the murderer slayeth those that pass by, while at night he robbeth houses like the thief. Whence we see that 'Or' means day?" The passage means to say the following: "If it is as clear as day to thee that the murderer cometh to slay thee, thou mayest slay him in self-defence; but if it is doubtful to thee whether he comes to slay thee or not, thou shouldst treat him as an ordinary thief and try not to slay him."

Another objection was made: "It is written [Job iii. 9]: 'Let the stars of its twilight be darkened; let it hope for light, and there be none.' Thence we see that by light (Or) is meant day?" The passage means to infer, that Job when cursing his fate, said also, that the man who announced his birth should hope for light and not be able to find it.

Another objection was made: "It is written [Psalms cxxxix. 11]: 'Surely darkness shall enshroud me, and into night be turned the Or (light) about me.' Whence we see, that by light (Or) is meant day?" In this passage David means to express the following: I thought, that in the world to come, which is equal to daylight, darkness will enshroud me, and now I find that even on this earth (which compared to the world to come is as night) it has also become light for me.

Yet another objection was made: "We learn further on in the Mishna: R. Jehudah said: 'Leaven should be searched for "Or" on the fourteenth, and in the morning of the fourteenth and at the time when the leaven is about to be burned.' If then R. Jehudah says, that on the morning of the fourteenth



leaven should be searched for, and preceding that he says 'Or' on the fourteenth, 'Or' must certainly mean 'night'?" Therefore we must say, that it is not as was presumed at the first glance to be the case, that R. Huna differed with R. Jehudah concerning the time of searching for leaven, but that both agreed upon twilight as being the proper time for that purpose, and by "Or" is meant "night," but the case was simply this: At the place where R. Jehudah resided twilight was called night, while in R. Huna's place of abode twilight was still called (day)light.

If this is so, why did the Tana of our Mishna commence with the word "Or"? Could he not have said plainly "on the eve"? He wished to commence the Mishna with a pleasing word and not with one suggesting darkness, and this is as R. Jehoshua ben Levi said elsewhere: At no time should a man allow an ill-sounding word to escape from his mouth; for the following verse used eight superfluous letters in order to circumvene the use of one ill-sounding word, as it is written [Gen. vii.]: "Of the clean beasts, and of the beasts that are not clean." Thus instead of using the word unclean (*Hatmeah*), it is written "that are not clean," which makes a difference of eight letters.\*

Now if the question concerning the word "Or" has been finally decided and "Or" is supposed to mean "twilight," let us see why leaven must be searched for at night. Both according to R. Jehudah and R. Meir (as will be seen further on) it is prohibited to eat leavened bread from the sixth hour, and further, of the fourteenth of Nissan, let the time for searching commence at that hour. If the claim be made, that pious men seek to fulfil a religious duty even before the specified time, let them commence to search for leavened bread at sunrise on the fourteenth; but why at night? Said R. Na'hman bar Itz'hak: "This was ordained, because at twilight the men are generally in the house and the light of a candle at that time is the best means by which to search for leavened bread."

Said Abayi: Therefore a young scholar should not commence his study at twilight on the thirteenth of Nissan, as he might become engrossed in the ordinances and forget to search for leaven.†

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\* There is a difference of eight letters in the Hebrew original, and by a strange coincidence there is the same difference in English.

† These last two paragraphs are in the old edition, contained on page 4 a.

The master said: "A man should not allow an improper word to escape his lips."

Two disciples sat before Rabh: One of them said to him: "To-day's study of the ordinances made me as tired as a hog." The other one said: "To-day's study made me as tired as a tired goat." From that day on Rabh did not speak to the first of these disciples.

Two disciples (also) sate before Hillel, and one of them was R. Johanan ben Zakai. According to another version: Two disciples sate before Rabbi and one of them was R. Johanan. One of them asked: "Why must wine be pressed with clean utensils and olives do not require clean utensils?" The other disciple at some other time inquired: "Why must wine be pressed with clean utensils whereas for oil unclean utensils may be used?" Whereupon the master remarked: "I am certain that the one who put the former query to me will very shortly be empowered to decide legal questions in Israel." As a matter of fact, it was not long after when this came to pass.

There were three priests. One of them said: "My share (of the showbreads) was about the size of a bean." The other said: "My share was about the size of an olive." And the third one said: "My share was about the size of a lizard's tail." When the language of the last was heard, an investigation was made, and it was found that he was not a genuine priest.

There was a certain Aramæan who was wont to come to Jerusalem every Passover and, representing himself to be an Israelite, would partake of the paschal lamb. When he came back home in the city of Nisibis, he said to R. Jehudah ben Bathyra: "In your Law it is written [Exod. xii. 48]: 'But no uncircumcised person shall eat thereof.' Yet I go to Jerusalem every year and eat of the best of the paschal lamb." Said R. Jehudah ben Bathyra to him: "Did they then give thee some of the fat of the tail?" and he answered: "Nay." So R. Jehudah advised him when he should go there again to ask for it. When the Aramæan came to Jerusalem the following year, he asked that he be given some of the fat of the tail. Said they to him: "Who told thee that thou couldst have it? Is not the fat of the tail sacrificed on the altar?" and he answered them: "R. Jehudah ben Bathyra told me." Said they: "What does this mean?" (Surely R. Jehudah knoweth that this cannot be.) Accordingly an investigation was made and it was found out that the man was an Aramæan, and not an Israelite, and he was pun-

ished for the deception. To R. Jehudah ben Bathyra, however, they sent the following message: Peace be with thee, R. Jehudah ben Bathyra, who sittest in Nisibis and castest thy net in Jerusalem.

R. Kahana became ill. So the sages sent R. Jehoshua the son of R. Idi to find out what ailed R. Kahana. He came and found that R. Kahana's soul had already passed to its rest. R. Jehoshua accordingly made a rent in his garment, but made it so that it could not be perceived, and came back weeping. The sages asked him: "Is the soul of R. Kahana gone to its rest?" and he answered: "Yea, it is; but I did not care to tell of it; for it is written [Proverbs x. 18]: 'He that spreadeth abroad an evil report is a fool.'"

Johanah of Hakukah (according to Rashi and Tosphath, but according to Rabbenu Hananel Johanah the Scribe) went out into the villages. Upon his return he was asked whether the wheat-crop was a success. He answered: "Barley is plentiful." They rejoined: "Go and report that to the horses and asses, as it is written [I Kings v. 8]: 'The barley and the straw also for the horses,' " etc. What then should Johanah have said? He ought to have said: Last year's crop was good or lentils are plentiful (*i.e.*, spoken of something fit for human beings to eat).

There was a man who used to go about and at every opportunity would say "Dono Dini" (Judge ye my judgment). Whence it was inferred that the man was one of the tribe of Dan, concerning whom it is written [Gen. xlix. 16]: "Dan shall judge his people, as one of the tribes of Israel."

There was another man who continually used to say: "On the edge of the sea will I build my palaces." It was said, that the man was probably of the tribe of Zebulon, concerning whom it was written [ibid. 13]: "Zebulon shall dwell at the edge of the seas."

A question was propounded to R. Na'hman bar Itz'hak: "If a man let a house to another on the fourteenth (of Nissan), who of the two men must search for leavened bread? Shall we say, the one who let the house, because whatever leavened bread there may be in the house is his, or that the renter must search for it, because it will be found in his domicile?" Answered R. Na'hman bar Itz'hak: "This was taught in a Boraitha, viz.: If a man let a house to another and have not yet delivered the keys before the fourteenth of Nissan, he must

search for leavened bread; but if the keys were delivered on the fourteenth, the renter must search for it."

Another question was propounded to the same R. Na'hman: "How is it, if a house was rented on the fourteenth (of Nissan) (and it is not known whether the leavened bread had been searched for or not), shall we assume, that if the house was rented from an Israelite, there is no question, but that the leavened bread had been searched for on the preceding night, or shall we not assume such to be the case?" ["What question was this: Let the man who let the house be asked." "In case the man who let the house could not be found] must the renter be troubled to go and search for leavened bread under those circumstances or not?" and R. Na'hman replied: "We have learned this in a Boraitha: 'All persons are credited if they assert, that the leavened bread was removed, even women, slaves, and minors.' " Why are they credited? Because the probability is that such was the case; and the entire law concerning the search for leavened bread is merely a rabbinical institution, the biblical law holding it to be sufficient, if the use of the leavened bread was renounced in thought only; hence where a rabbinical regulation was concerned, anyone testifying that it had been complied with, was credited by the Rabbis.

The schoolmen propounded a question: "If a man let a house to another and told him, that he had already searched for leavened bread; but it was subsequently proven, that he had not, what is the law governing this case? Shall we say, that the renter may on that ground withdraw from his agreement (and not rent the house), or that the agreement is nevertheless binding?" Come and hear: Abayi said: "Not only in such places where the search for leavened bread is not paid for is the agreement binding, because it is more satisfactory to a man to perform a religious duty himself; but even in such places, where men are hired and paid to make search for leavened bread, the agreement is binding, because it is more pleasing to a man to accomplish a religious duty with his own money."

Said R. Jehudah in the name of Rabh: "One who finds leavened bread in his house on the festival (of Easter) should cover it with a vessel (because it must not be handled)." Said Rabha: If the leavened bread was not his property but was consecrated, he need not even cover it with a vessel (because the article being consecrated there is no fear of its being eaten, and people as a rule keep away from consecrated things).

The same said again in the name of the same authority: "If there was leavened bread belonging to a Gentile in the house of a man, he should make a partition ten spans high as a sign that it should not be touched, but if the leavened bread was consecrated he need not make that partition (because the bread being consecrated there is no fear of it being eaten)."

He said again in the name of Rabh: "One who leaves his house to go to sea or to go with a caravan prior to thirty days before the Passover, he need not search for leavened bread; but if he goes away *within* the thirty days preceding the Passover, he must burn the unleavened bread in his house." Said Abayi: "A man who leaves his house within the thirty days preceding Passover must burn the unleavened bread if his intention is to return on the Passover, but if such is *not* his intention, he need not do this," and Rabha rejoined: "If a man leave his house and intend to return *on the Passover*, he must burn the unleavened bread even on the New Year day. Why only if he leave within the thirty days before Passover? Therefore," explained Rabha, "the rule that one need not search for the unleavened bread if he leaves prior to thirty days before Passover applies to one who does not intend to return on Passover, but if his intention is to return on Passover, he must do this even if he leaves on New Year day." And Rabha decrees thus in accordance with his theory elsewhere, namely: If one turned his house into a warehouse prior to thirty days before Passover and there was leavened bread in that house, he need not search for it (because, when the Passover arrives, the leavened bread will lie underneath the grain stored in that warehouse); but if he did this within thirty days preceding Passover, he must search for leavened bread (notwithstanding the fact that it will lie underneath the grain; for during these thirty days the duty to search for leavened bread is already incumbent upon him, whereas prior to that time he was not even supposed to think of removing the leavened bread). Concerning the statement, that one need not search for the leavened bread if he turned his house into a warehouse prior to thirty days before Passover, it holds good only if he did not intend to do this before Passover; but if he did intend to turn his house into a warehouse before Passover, he must search for the leavened bread even then.

Why are thirty days particularly specified? It is as we have learned in a Boraitha, viz.: "One may inquire and preach concerning the laws of Passover thirty days previous to that festi-



val." R. Simeon ben Gamaliel said: "Two weeks before." (Why does the first Tana prescribe thirty days?) Because Moses at the time of the first Passover already made the regulations concerning the second Passover (which was celebrated thirty days later), as it is written [Numbers ix. 2]: "That the children of Israel shall prepare the Passover lamb at its appointed season," and [ibid. 10 and 11]: "Speak unto the children of Israel," etc. . . . "In the second month, on the fourteenth day," etc. Why, then, does R. Simeon ben Gamaliel not agree with the first Tana? Because he holds, that Moses only enacted those regulations because it was Passover (yet this should not be made a general rule; hence two weeks are sufficient).

R. Jehudah said in the name of Rabh: "He who searches for the leavened bread must at the same time renounce its use in his mind." Why so? On account of the crumbs? Those are of no value! Said Rabha: The reason is, lest he find a useful piece of bread and will not care to burn it (in which case should he even hold it for one second he will transgress the law of "There shall be no leavened bread in thy house," etc.). Can he not renounce its use as soon as he perceives it? It may be, however, that he will not find it until it is too late to renounce its use, for R. Elazar said: "Two things are without the province of man; but the Law made him responsible for them nevertheless, as if they were his property, and they are: A pit in public ground (concerning which a man is responsible if another falls into it as explained in Tract Babah Kamma) and leavened bread after the sixth hour (on the fourteenth of Nissan); although the bread is no more in his possession, still he is responsible for it."

Let the man then renounce the use of the bread in the fourth or fifth hour? As that is not the time either for searching or for burning, there is fear lest a man forget to do this at that time. Let him renounce its use then in the sixth hour, when he is about to burn it. (This being according to a rabbinical enactment illegal, makes it the equivalent of a biblical prohibition?) (As R. Giddel said in the name of Rabh. Vide Chap. II., page 31.)

It is said, that after the prohibition to use bread had already gone into effect, it is not allowed to renounce its use, have we not learned in a Boraitha: "If a man sate in the house of learning and was suddenly reminded that he had not removed the leavened bread from his house, he may renounce its use in thought,

whether this happened on a Sabbath or on a festival?" This would be correct if the eve of Passover fell on a Sabbath; but how can this be done on the festival itself (for it is already Passover and the leavened bread is no longer the property of the man, how then can he renounce its use)?

Said R. A'ha bar Jacob: The case referred to is that of a scholar who sits before his master (and cannot leave without his consent) and having been reminded that there is some dough still in his house, which would shortly become leaven, he may renounce its use before it becomes leaven. This can be inferred from the Boraitha itself, which distinctly states "if a man sate in the *house of learning*" (and if he had leavened bread in the house, what difference would it otherwise make, whether he sat in the house of learning or elsewhere)? Hence the inference.

Rabba bar R. Huna said in the name of Rabh: "If musty bread was found in a chest used for unleavened bread and for leavened bread, and the chest was used more for unleavened bread than for leavened, the musty bread may be used." How was the case? If it was known that this bread was leavened, it would not be of any consequence that the chest was used more for unleavened bread; but if it was not known whether that bread was leavened or not, why say, that the chest was used *more* for unleavened bread? The question at issue would then be for what purpose it was used last—for leavened or unleavened bread. The use it was put to last is the main issue, as we have learned elsewhere (Tract Shekalim, Ch. VII., Mishna 2) concerning money found in Jerusalem: "If found during the festivals, it is regarded as second tithes, and if at other times of the year, it is ordinary money"; and R. Shemaya bar Zera said: "If money was found on the day following the festivals, why should it not be considered second tithes, because the markets of Jerusalem were as a rule swept daily?" whence we see, that the last contingency is the one to be considered, why not apply this to the case of the musty bread? In the case of musty bread it is different. The very fact of its having become musty is sufficient evidence that it was not of recent use. Of what benefit then would it be to ascertain that the chest had been used more for unleavened bread than for leavened? If the bread is musty it is no doubt leavened bread? Said Rabba: Do not say, that Rabh meant to state, "if the chest was used more for unleavened than for leavened bread, but the days on which unleavened

bread was used outnumbered those on which leavened bread had been previously used." If so, the case would be self-evident. Why does Rabh come to tell us this? Rabh means to state, that because the bread was very musty it might be assumed that it had been left over from the leavened bread, and he would tell us that this is not so, but that it may have been an instance of where unleavened bread had been baked on the first day of Passover and a piece was thrown into that chest, thus becoming musty.

R. Jehudah said: "He who searches for leavened bread must pronounce a benediction." How should he pronounce the benediction? R. Papi said in the name of Rabha: "Blessed be He, etc., who commanded us to remove the leavened bread," and R. Papa said in the name of Rabha: "Blessed be He, etc., who hath commanded the removal of leavened bread." Concerning the benediction which reads "commanded us to remove," etc., all agree that the words "to remove," signify an act which may be performed later; but as for the benediction "commanded the removal," R. Papi holds that "the removal" signifies an act already accomplished, while R. Papa maintains that it may refer to an act about to be accomplished. The Halakha prevails, that the benediction must be pronounced upon "the removal" (in the same manner as the benediction upon "circumcision").

All agree, however, that the benediction must precede the act. Whence do we adduce this? Because R. Jehudah said in the name of Samuel: "Benedictions must be pronounced prior to the performance of every religious duty." And the disciple of Rabh (R. Hisda) said: "In all cases with the exception of (legal) bathing, in this instance the benediction should be pronounced after the act." So have we also learned in a Boraitha: "When a man had bathed and is ready to depart, he should say: 'Blessed be He, etc., who has ordained for us (the law of) bathing.'"

"*By the light of a candle.*" The Rabbis taught: Search for leavened bread must not be made by the light of the sun, of the moon, or of a flame of fire, but only by the light of a candle; because the light of a candle is efficient for search, and although we have no actual foundation for this regulation, still we are given a hint to that effect in the passage [Exod. xii. 19]: "Seven days no leaven shall be found in your houses," and it is written [Genesis xlv. 12]: "And he searched, at the eldest he began,"

while [in Zephaniah i. 12] it is written: "And it shall come to pass at that time that I will search Jerusalem through with lights (candles)"; [Proverbs xx. 27] it is also written: "A lamp of the Lord is the soul of man, searching all the inner chambers of the body." (Hence as it is written in the first quotation "it shall not be found," and in the latter quotations searching is mentioned in connection with lights (candles), the hint is derived from those passages.)

Under what circumstances shall search not be made by the light of the sun? Shall we say in the case of a court? Did not Rabha say, that in a court no search need be made, because the crows consume what leavened bread may be found there? In the case of a balcony? Did not Rabha say, that on a balcony one may search by the light of the balcony itself? The injunction against using the light of the sun is applied to a window of a room, namely: At the window proper search may be made by the light entering through the window, but at the sides this cannot be relied on and a candle must be procured in order to conduct a proper search.

Not even a flame of fire may be used? Did not Rabha say, referring to the passage [Habakkuk iii. 4]: "And (his) brightness was like the sunlight; rays streamed forth out of his hand unto them: and there was the hiding of his power." "The righteous as compared with the Shekhina appear as the light of a candle to a bright flame; and concerning the benediction to be made at the close of the Sabbath-day which is pronounced over a light, he said, that a bright flame is more conducive to the efficient fulfilment of that duty?" (Why then should a flame not be permitted for the search?) Said R. Na'hman bar Itz'hak: "A candle may be applied to a hole or a crack in the wall, whereas a flame cannot be moved to such a place."

"*It is not necessary to search all places in which it is not usual to put leaven,*" etc. What would the Mishna mean to add by stating "*all places*"? The Mishna means to add what was taught by the Rabbis: "The uppermost or nethermost holes in a house, the roof of an attic, the roof of a tower, a stable of oxen, a chicken-coop, a straw-shed, and the cellars where wine or oil is kept need not be searched." R. Simeon ben Gamaliel said: "A bed, which is placed in a room so that it divides the room into two parts and is so high that the space underneath it is used, must be searched."

A contradiction was interposed, based upon the following

Boraitha: We have learned: A hole through a wall standing between two houses must be searched by the householders of each house as far as they can reach from their respective sides, and the space which they cannot reach, they must renounce in their minds. R. Simeon ben Gamaliel said: "A bed dividing a room into two parts, and having underneath it stones and wood though there still be space left between the stones and the bed, need not be searched."

Thus there is a contradiction both regarding the hole in the wall as well as the bed? This presents no difficulty: As for the hole, one that should be searched is a hole in the centre of the wall, while the Boraitha refers to an uppermost and a nethermost hole, and as for a bed, one that is very high and has a great deal of space underneath it should be searched, while one that has but little room underneath need not be searched.

Wine cellars need not be searched? Have we not learned in a Boraitha that cellars where oil is kept need not be searched, but those containing wine *must* be searched? In this case wine cellars are spoken of, that are used during meals, while in the other instance wine cellars that are only used for storage are referred to. If those that are used only, must be searched, why should cellars where oil is kept be exempt? Because there are fixed times for meals and oil is used only during meals, while wine is constantly in use and the cellars are therefore frequently entered.

R. Hisda said: The place where salt fish are kept need not be searched. Did a Boraitha say that it need be searched? This presents no difficulty. The Boraitha refers to the places where small fishes are kept (*i.e.*, it usually happens that during a meal one goes to bring more fish while having bread in his hands. R. Hisda, however, refers to a place where large fishes are kept, because usually one knows the quantity of fish he requires for the whole meal, and there is no need of getting up during the meal to bring more fish.) Rabba the son of R. Huna said: The places where salt and wax candles were kept must be searched (because it often happened that during a meal salt and candles were needed). R. Papa said: The places where wood and dates were kept needed also to be searched (because it happened that during a meal one might go for wood and by the end of a meal, go for dates). A Boraitha taught: That a man was not compelled to put his hand in a hole to search for leaven as it might be dangerous.



R. Hyya taught: "The beer\* cellars of Babylon were put on a par with the wine cellars of Palestine if they were frequently used."

[*"Why then was it ordered, that two rolls of barrels should be searched?"* Where is a cellar mentioned in the Mishna, that barrels should be discussed? The Mishna means to state as follows: "In all places, where it is not usual to put leaven, it is not necessary to search for leavened bread, and cellars of wine or of oil need not be searched." Why then were two rows of barrels ordered to be searched? If leavened bread was brought into such cellars and used there.]

"*Beth Shammai decide that search must be made between each two rows,*" etc. R. Jehudah said: "The two rows mentioned are those from the ground to the ceiling, *i.e.*, the first two rows facing the door of the cellar," and R. Johanan said: The two rows mentioned are one from the ground to the ceiling and one on the top of the pile in the form of a (Greek Gamma)  $\Gamma$ .

We have learned a Boraitha supporting R. Jehudah, viz.: "Beth Shammai said: 'Between two rows over the whole surface of the cellar' and those two rows are from the ground to the ceiling."

We have learned another Boraitha supporting R. Johanan, viz.: "The two rows are over the whole surface of the cellar. One row faces the door and the upper row faces the ceiling. The remaining rows behind the one facing the door and those underneath the row facing the ceiling need not be searched."

"*Beth Hillel decree: 'It is sufficient to search between the two uppermost rows,'*" etc. Said Rabh: "Beth Hillel mean only one row not over the whole surface of the cellar, but one that faces the ceiling and the door, and another row beneath it facing the door only." But Samuel said: "Beth Hillel mean one row over the entire surface of the cellar and another row beneath it." Why do they differ? Because Rabh lays stress upon the word "uppermost" in the Mishna, which he explains as previously mentioned. [It says also "as they are also the highest," so there should be *two* highest. The Mishna calls them highest in order to contrast those beneath them, which are the lower], whereas Samuel lays stress upon the word "highest." [It also says "uppermost." These are called "uppermost" to distinguish them from those beneath them which also face the door] hence he explains the Mishna as above.

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\* The beer of the Babylonians was made from dates.

R. Hyya taught in accordance with Rabh's opinion and all the other sages taught in accordance with Samuel's opinion. The Halakha prevails according to Samuel.\*

MISHNA: (And) it need not be suspected, that a weasel have dragged any leavened bread from (one corner that had not been searched to one that had); from one house to another or from one place to another; for if so, the same suspicion might apply to a (possible) removal from one court to another, or even one city to another, and thus make the search an endless task.

GEMARA: This applies to a case where it was not observed that the weasel had dragged the bread; but if it was observed, the search must be made over again? Why should this be so? Let it be presumed, that the weasel consumed the bread.

Have we not learned in a Mishna (Tract Ohaloth): The dwellings of the heathens must be considered unclean (because it was supposed, that they buried their miscarriages in their dwellings), and how long must the heathen have dwelt in such a dwelling in order to render it unclean? Forty days, even if he had no wife; if, however, when the dwelling was vacated, it was left open so that cats and swine entered it, its uncleanness need not be even investigated. (It is certainly clean, because even should there have been such a thing as a foetus contained therein, the cats or the swine had no doubt already devoured it. Whence we see, that the supposition of the cats having devoured the unclean object renders the investigation unnecessary, why then should in our case the fact that the weasel had carried off the bread not eliminate the necessity of another search?) Said R. Zera: "This presents no difficulty; in the case of the heathen's dwelling, the uncleanness was caused by flesh, and it is not probable that any of it was left over, but where bread is concerned, it may be that some of it was left."

Said Rabha: "What question is this? In the case of the heathen's dwelling there is a twofold supposition. Firstly, the question is whether a foetus was buried in the dwelling. Secondly, assuming such to be the case, the supposition that it was devoured enters, while in our case, if the weasel was observed carrying out the bread, so much is certain, and there is merely the supposition that it was devoured and a supposition cannot emanate from an established fact."

Our Mishna states: "It need *not* be suspected," etc. Why

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\* This last sentence is according to others not contained in the earlier editions, and hence the questions on this point are decided according to Rabh.

then does the succeeding Mishna enjoin, that "whatever remains must be well guarded"? Said Rabha: "By 'whatever remains must be well guarded,' the Mishna means to provide against a weasel coming and dragging it away before our eyes, in which event another search will have to be instituted."

We have learned in a Boraitha in support of Rabha's dictum: "Whosoever wishes to eat Chometz (leavened bread) after the search, should take what he has left over after the search and keep it in a well-guarded place lest a weasel come and carry it off before our eyes, in which case another search will be necessary."

R. Mari said: There is apprehension, if a man have ten pieces of bread left over and finds subsequently only nine, that another search will have to be instituted. (Therefore what remains should be kept in a well-guarded place.)

If there were nine heaps of Matzoth (unleavened bread) and one heap of Chometz and a mouse came along and took a piece of one of the heaps, but it is not known whether it was of a heap of Matzoth or Chometz, the same law applies to this as to the case where there were nine shops dealing in (ritually) slaughtered cattle and one shop dealing in carrion, and a man having bought some of the meat could not tell in which place he had bought it; in that case the meat must not be eaten (notwithstanding the fact that the majority of shops dealt in slaughtered cattle). If, however, meat was found near the shops, it is presumed to be of slaughtered cattle (because the probability is that one of the majority lost it). (The same is the case in the instance of the above-mentioned nine heaps of Matzoth.)

If there were only two heaps, one of which was Matzoth and the other Chometz, and two mice came along and taking a piece each of the two heaps ran into two different houses, in one of which search had already been made, while in the other it had not yet been made. If it was not noticed which mouse ran into the searched house, the one carrying Chometz or the other carrying Matzoth: It must be presumed, that the mouse carrying Chometz entered the house that had not yet been searched; because we have been taught in a Boraitha referring to such a case as follows: If there were two heaps of grain, one being heave-offering and the other ordinary, and opposite there were two measures, one containing heave-offering and the other ordinary grain, and the heaps had fallen into the measures, but it was not known which had fallen into which, we must presume that the

heave-offering had fallen into the measure containing heave-offering and the ordinary had fallen into the measure containing ordinary. [It might be said, however, that in these days heave-offering is merely the offspring of rabbinical law while Chometz is based upon biblical law (hence should be surrounded with more caution)! Nay; is then searching for Chometz biblical? According to biblical law renouncing the use of Chometz is sufficient.]

How is it, however, if there was but one heap and that was Chometz, while there were two houses both of which had been searched and a mouse had carried some of that Chometz into one of the houses; but it was not known into which? This presents an analogous case to two roads, one of which was clean and the other unclean and two men went on those roads but did not know which had taken the clean road and which the unclean. "If they both consecrated grain," said R. Jehudah, "and each one separately comes to inquire concerning the law in his case, they are both considered clean; but if both come together, both are held to be unclean; (for one of them is surely so)." R. Jose, however, said: "In any event both are unclean." Commenting upon Rabha, according to another version, R. Johanan said: "If both come together, all agree that they are held to be unclean; if they come each separately, all agree that both are considered clean; their point of variance, however, is: if one comes and inquires concerning the other also. According to R. Jehudah, it is the same as if each had come separately, while according to R. Jose, it is the same as if both had come together. (The same rule applies to the two houses under consideration.)

How is it, if it was not known whether the mouse that carried off some of the Chometz had entered either of the houses at all? This presents an analogous case to a valley in which an uncleanness was lost, and remains a point of variance between R. Eliezer and the sages. (Tract Teharoth, Chap. VI., Mishna 5.)

If the mouse had entered, however, and the man instituted another search but could not find the Chometz, must he go further and search the next house also? This will present a point of variance between R. Meir and the sages and is analogous to a case where the uncleanness of a place was at issue where the object causing the uncleanness could not be found. (Bechoroth xxv. b).

If the mouse had entered the house and the man when instituting another search had actually found the piece of Chometz

but did not know whether it is the same, that the mouse had carried in or not, it presents a similar case to the one concerning which Rabbi and R. Simeon ben Gamaliel differ, viz. : if a grave was lost and subsequently a grave was found but it was not known whether it was the same grave or not [ibid. ibid.].

If a man had left over nine pieces of bread and found ten, it again presents an analogous case to the point of variance between Rabbi and the sages concerning a case where a man had deposited one hundred coins and found two hundred. According to one opinion it is all ordinary money and according to another it is ordinary and second-tithe money combined.

If a man had left over ten pieces and only found nine, it again presents a point of variance between Rabbi and the sages similar to the case where a man had deposited two hundred coins as second-tithe and subsequently only found one hundred. According to one opinion the remainder is still second-tithe, while according to the other, the remainder is ordinary money; for it is considered as if the two hundred coins had been stolen and another hundred of ordinary money had been left in place thereof.

If the man had left the remainder of the Chometz in one corner and found it in another, according to the sages another search is necessary while according to R. Simeon ben Gamaliel it is not, and it is a similar case to the one in which they differ concerning uncleanness.

Rabha said: "If a mouse entered a house with some Chometz in its mouth and the man going in after it poured crumbs on the floor, he must make another search; because as a usual thing a mouse leaves no crumbs behind; but if a child entered and he finds crumbs when entering after the child, he need not make another, for usually a child leaves crumbs behind it."

Rabha propounded a question: "If a mouse entered a house and another came out of the same house and both had pieces of Chometz in their mouths, shall we presume that it was the same mouse in both cases or not? If it should be said, that it is the same, how is it if the mouse entering was black and the other was white, shall we assume that one took the piece of bread away from the other or that there were two separate pieces of bread? If you will say that one mouse would not take anything away from another, how would it be if a mouse entered with the piece of bread and a cat came out with a piece of bread? If we presume that the piece of bread is the same, would the cat not

have held the mouse in its mouth also? If then, you say, that the piece of bread was a different piece, how would it be if the cat came out with the mouse and the piece of bread in its mouth? Shall we say that it is the same piece of bread and, the mouse having dropped it through fright, the cat picked it up, or that were it the same piece of bread the mouse would have had it in its mouth?" This question is not decided.

MISHNA: R. Jehudah said: "Search (for Chometz) should be made on the evening ('Or') before the 14th (of Nissan), early on the morning of that day and at the time (when all Chometz must be removed);" but the sages said: "If search had not been made on the evening preceding the 14th (of Nissan), it may be made on that day; if neglected on that day, it may be made on the festival,\* and if omitted even then, it must be done after the festival,† and whatever Chometz is left over, must be kept in a well-guarded place, in order that no further search may become necessary.

GEMARA: What reason has R. Jehudah for his assertion? R. Hisda and Rabba bar R. Huna both say: "He bases his assertion upon the fact that the search or the removal of Chometz is mentioned three times in the Scriptures" [Exod. xii. 15, *ibid.* 19, and *ibid.* xiii. 7].

R. Joseph objected: We have learned in a Boraitha: R. Jehudah said, "If he did not make the search at any of these three times, he need not make any search at all. Hence we see that R. Jehudah does not differ with the sages only concerning the necessity of searching after the three stated times had passed." R. Jehudah in reality only means to state that search should be made but once and that at one of the times mentioned, but if the three appointed times had passed he must not make search on the festival, lest he find some leavened bread and eat it; while the sages hold, that he may do so even on the festival and there is no fear of his eating any of the Chometz which he might find.

MISHNA: R. Meir says: "It is lawful to eat (Chometz on the 14th of Nissan) the whole of the first five hours and what remains must be burned at the commencement of the sixth

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\* The term used in the Mishna, which we render with "festival," is *Mo'ed*, and Rashi explains this to mean "at the appointed time"; but we render it according to the explanation of Tosphath, which is more reasonable.

† The reason that search must be made even after the festival is because the Chometz situated in the house during the festival must not at any time be used.

hour," but R. Jehudah says: "It is only permitted to eat (Chometz) the first four hours; during the whole of the fifth hour this must be abstained from and it must be burned at the commencement of the sixth hour."

R. Jehudah *also* taught: Formerly (during the existence of the Temple) two cakes of thanksgiving-offering which had become desecrated were exposed on a bench (of the Temple). As long as the two cakes remained there, all the people still ate leavened bread; when one of them was removed, they abstained from eating it but did not yet burn it; when both were removed, all the people commenced burning (the Chometz). Rabbon Gamaliel says: Ordinary (Chometz) may be eaten during the first four hours; but heave-offering may still be eaten during the fifth hour; both, however, must be burned at the commencement of the sixth hour.

GEMARA: We see thus, that at the commencement of the sixth hour, all agree, Chometz must be burned.\* Whence do we adduce this? Said Abayi: From two passages, viz. [Exod. xii. 19]: "Seven days no leaven shall be found in your houses," and [ibid. 15]: "But on the first day ye shall have put away leaven out of your houses." According to this, then, on the first day there would still be leaven in the house and this would be contrary to the ordinance of the first passage? Hence we must say, that by "the first day" is meant the day preceding the festival. Then why say the sixth hour? Say that already early in the morning of the day preceding the festival (leaven should be burned). The word "but" with which the passage commences divides the day into two parts, so that in the morning leavened bread may be eaten while in the afternoon it must not.

The disciples of R. Ishmael taught: The reason that Chometz must be removed on the 14th (of Nisan) (the eve of Passover) is because that day is referred to as the first day (of the festival) in the passage [Exod. xii. 18]: "In the first, on the fourteenth day of the month, at evening shall ye eat unleavened bread," etc.

Rabha said: "The reason may be inferred from the passage [Exod. xxxiv. 25]: 'Thou shalt not offer the blood of my sacrifice with leaven; neither shall be left unto the morning the sacrifice of the feast of the passover,' which signifies, that the Passover sacrifice must not be offered up as long as there is yet

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\* The GEMARA in the original old edition is on pages 4a to 6b. The proper place for it, however, is here.

leaven." If that be the case, then it might be said that the leaven should be burned by each man immediately before offering his passover sacrifice; why designate the sixth hour? The passage means to state, that when the *time* for the Passover sacrifice arrives, there must no longer be any leaven on hand.

We have learned in a Boraitha in support of Rabha: It is written: "But on the first day ye shall have put away leaven out of your houses," and by the first day is meant the day preceding the festival. Whence do we know this? Perhaps the first day of the festival is meant? Nay; for there is another passage stating: "Thou shalt not offer the blood of my sacrifice with leaven," which signifies, that the Passover sacrifice must not be offered up while there is yet leaven on hand. So said R. Ishmael. R. Aqiba, however, said: "The second passage quoted is not necessary, for it is written, 'But on the first day ye shall have put away leaven out of your houses,' and again [Exod. xii. 16]: 'No manner of work shall be done on them'; thus we see that the leaven could not be burned on that day, for is not burning one of the principal acts of labor."

R. Jose, however, said: R. Aqiba's additional passage is not necessary either; for it says "But," and that "but" signifying that the day must be divided, if the first day were the first day of the festival, how could it be divided? No leaven must be eaten at any time during the festival proper. (If it should be said), that eating leaven only is prohibited but removing or burning it is permitted even on the first day, it would not be correct; for removing leaven is mentioned at the same time as the prohibition to eat leaven bread and at the same time also it is ordered that unleavened bread be eaten, whence we see, that at the time when Matzoth should be eaten no leaven must be on hand. Matzoth must be eaten on the evening of the 14th, hence no leavened bread must be on hand at the time. In consequence the "but" signifies the division of the day preceding the festival.

Rabha said: "Three things may be inferred from the words of R. Aqiba, and they are: Firstly, that R. Aqiba holds according to the opinion of R. Jehudah, that Chometz can be removed only by burning it; secondly that he holds with the opinion of R. Nathan, that the additional commandment not to kindle a fire on a Sabbath was taught for the sake of separation (of other acts)\*; and thirdly, that he does not hold that, because

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\* *Vide* Tract Sabbath, Vol. I., page 136.



a fire may be made for the purpose of cooking on a festival, it may be also made for any other purpose."

The Rabbis taught: For what purpose is the passage "Seven days no leaven shall be found in your houses" written; it is stated *once* already [Exod. xiii. 7]: "And there shall not be seen with thee any leavened bread, neither shall there be seen with thee any leaven in all thy boundaries"? Because from the latter passage it might be assumed that only such leaven as belongs to the man must not be seen; but leaven belonging to others or such as is consecrated may be seen, and it might also be assumed, that one may hide leaven or may keep for a Gentile leaven intrusted to his care and for that reason the other passage says: "no leaven shall be *found*." Then again it may be presumed, that it is not permitted to receive any leaven from a Gentile living in a different place or one who is not under thy control, but how do we know that it is also not permitted to receive leaven from one who lives in the same house or *is* under thy control? To that end the passage reads "no leaven shall be found *in your houses*." Thus we know that it must not be found in the *houses*, but whence do we adduce that it may not be stored in caves or cellars? From the passage which reads: "Neither shall there be seen with thee any leaven *in all thy boundaries*."

Then again it might be said that if any leaven was found in the houses, one is culpable for transgressing the ordinance relating to "it shall not be seen" nor "found" nor "be hidden" nor "be received from Gentiles," while concerning the boundaries, it might be assumed that one's own leaven must not be seen but that belonging to others or consecrated leaven may be seen; but whence do we know that the ordinances relating to the houses apply also to the boundaries and *vice versa*? To that end the word leaven is repeated. Leaven is mentioned in connection with the houses and also in connection with the boundaries; thus if leaven be found in the house of a man, he is culpable of transgressing the ordinances "it shall not be seen" nor "found" nor "hidden" nor "received from a Gentile"; so is it also in the case of boundaries, and as in the boundaries a man's *own* leaven must not be seen but that belonging to others may; so is it also in the case of houses, a man's own leaven must not be seen, but that belonging to others and consecrated leaven may be seen.

The master said: "It is not permitted to receive any leaven

from a Gentile living in a different place or from one who is not under thy control, but whence do we know that it is also not permitted to receive leaven from one who lives in the same house or *is* under thy control?" How is this to be understood? The question should be to the contrary? Said Abayi: "Read the question in the opposite sense" (*i.e.*, it may be presumed that only from a Gentile living in the same or under thy control leaven must not be accepted, but whence do we know that from one living elsewhere or *not* under thy control it must not be accepted?) Rabha, however, said: The question need not be inverted, because it refers to the first part of the teaching of the Rabbis, which says, that a man's own leaven must not be seen but that of others, or consecrated leaven, may; hence it is said, "that leaven belonging to a Gentile living elsewhere or not under thy control must not be seen, but whence do we know that leaven of a Gentile under thy control may be seen?" Rabha concludes that the leaven of a Gentile under thy control may be seen and does this from the passage which distinctly states that it must not? He does this because the passage contains the words "with thee" twice. The master said: "It might be assumed, that one may keep for a Gentile leaven intrusted to his care, and for that reason the passage says, 'it shall not be found.'" Was it not just said, that leaven belonging to others and such as was consecrated may be seen? This presents no difficulty. Such as a man is not responsible for may be seen, but such as is intrusted to his care is considered as his own and must not be seen, as was said by Rabha to the inhabitants of Mehuza: "Ye shall remove the Chometz belonging to the government from your houses, because ye are responsible for it and should it be stolen ye must make compensation, hence it is regarded as your own and must not be found in your houses."

This would be correct according to the Tana who holds, that an object which entails a possible pecuniary indemnity is not considered as the property of the one responsible for it; hence a separate passage is required to ordain, that this must not be kept; but according to the Tana who holds such an object to be the property of the one responsible for it (as if he had indemnified its original owner for its loss), why is a separate passage necessary? Because we might assume, that the object not yet being subject to an indemnity it is still the property of another and hence may be seen, we are told that such is not the case.

The Rabbis taught: If a Gentile came into the court of an Israelite (on Passover) with a piece of leaven in his hand, the Israelite is not obliged to insist upon its removal. If the Gentile, however, had given it to the Israelite for safe-keeping, it must be removed. If a special place, however, was provided for such leaven, it need not be removed, because the passage only states, that "leaven must not be found in your houses." Where a special place had been provided, that place is considered as belonging to the Gentile.

"*R. Jehudah says:*" Rabha said: "R. Jehudah's reason for his statement is the fact that he holds that the only manner in which Chometz may be removed is by burning, hence he allows us the fifth hour in order to prepare the wood for the fire." Rabhina objected to this statement: "Have we not learned, that R. Jehudah said removal by burning is only to be effected if the appointed time for the removal had not yet arrived; but if it had, the leaven may be removed by any means whatever?" Therefore Rabha said: "R. Jehudah's reason for his statement was the fact that the exact hour could not be ascertained on account of a cloudy day: and hence a man might mistake the sixth hour for the fifth." If that be so, then it should not be allowed to eat leaven even in the fourth hour? The fourth hour is a general time for eating,\* hence no mistake can be made.

R. Na'hman in the name of Rabh said: "The Halakha prevails according to R. Jehudah." Said Rabha to him: "Why does not the master say that the Halakha prevails according to R. Meir; for have we not a Mishna by anonymous teachers (the first Mishna in Chapter II.) which bears out R. Meir?" "That Mishna is not in accordance with R. Meir, because it is opposed by others." "Then," rejoined Rabha, "why does master not say, that the Halakha prevails according to R. Gamaliel, who in this instance is the mediator between R. Jehudah and R. Meir?" Answered R. Na'hman: R. Gamaliel is not the mediator in this case, but merely asserts his own opinion, and if it is thy wish, I would tell thee, that Rabh holds with the Tana in the following Boraitha: If the 14th (of Nisan) fall on a Sabbath, all leaven must be removed before the Sabbath. Unclean or doubtful heave-offering must be burned and from clean heave-offering, which, however, cannot be used on the Passover, sufficient for two meals only must be left over for consumption

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\* *Vide* Tract Sabbath, page 17.

before the fourth hour. So said R. Elazar ben Jehudah the man of Barthutha in the name of R. Jehoshua. He was asked why the clean heave-offering should be burned, perhaps there may be found such as can eat it, and he answered: "Such men were sought but could not be found," but the Rabbis persisted: "Perhaps there were priests who passed the night beyond the town and might come in on the morrow and eat it?" R. Elazar replied: "According to your argument, the doubtful heave-offering should not be burned either lest Elijah come on the morrow and declare it clean!" and they rejoined: "It is known that Elijah will not come on the eve of Sabbath." In conclusion the Boraitha relates, that the sages carrying on the discussion did not move from their places until it was finally declared that the Halakha should remain according to the dictum of the mentioned R. Elazar ben Jehudah in the name of R. Jehoshua.

Then, if the Halakha prevails according to R. Elazar ben Jehudah it may be assumed, that concerning eating on the day preceding Passover nothing must be eaten after the fourth hour. Said R. Papa in the name of Rabha: "The Halakha prevails according to R. Elazar only concerning the removal of leaven but not concerning the hour of eating."

Rabbi also holds in accordance with the opinion of R. Na'hman; for Rabhin bar R. Ada related: "There was a man who stored a basket full of Chometz with Johanan Hakuka, and mice having gnawed holes in the basket, the Chometz commenced spreading. In the first hour of the eve of Passover Johanan came to Rabbi and asked him what to do. Rabbi told him to wait. In the second hour he still told him to wait, and so also in the third and fourth hour (perhaps the man might come to remove the basket). In the fifth hour he told him to take out the basket and offer it for sale in the market." We must assume, that he advised him to sell it in the market to Gentiles because Israelites could not use it at that hour and hence held with R. Na'hman that the Halakha prevails according to R. Jehudah.

Said R. Joseph: "Nay; he advised to sell it in the market and even to Israelites, thus holding to the opinion of R. Meir." Rejoined Abayi: "What need was there of his selling it in the market (to an Israelite), he could have used it himself under those circumstances?" And R. Joseph replied: "He could not do this on account of a possible suspicion that he would not pay the man a fair price." Said R. Ada bar Matthna to R.

Joseph: "Thou thyself at one time told us distinctly that Rabbi advised him explicitly to sell it to Gentiles, because he was of the opinion of R. Jehudah."

"*R. Jehudah also taught,*" etc. One Tana taught in the presence of R. Jehudah, that the two thanksgiving-offering cakes were laid on the benches. Said R. Jehudah: "Was it then the intention to hide the cakes, that they should be put on the benches? Say, rather, they were placed on the roof surmounting the benches, where they could be seen."

Rahba said in the name of R. Jehudah: "On the mount of the Temple there was a double arched seat. We have also learned to this effect in a Boraitha, and R. Jehudah said: It was called Istavanith (columns) because a roof surmounted the seat, and the seat was composed of two arches one within the other."

"*Which had become desecrated.*" Why had they become desecrated? Said R. Hanina: Because the cakes were such as had been brought with thanksgiving-offerings and there being so many of them they could not be consumed within the statutory time; hence they became desecrated by being left over night, as we have learned in a Boraitha: "It is not permitted to bring thanksgiving-offerings on Passover, because cakes of unleavened bread must be brought with them." Is this not self-evident? Said R. Ada bar Ahabha: "The Boraitha refers not to the Passover but to the day preceding it; and we are told, that no thanksgiving-offerings should be brought on that day, because there will not be sufficient for the consumption of the leavened cakes before the morrow. Therefore such offerings were brought on the thirteenth; but as there were still more leavened cakes than could be consumed, the remaining ones became desecrated over night (and of these two were placed on the benches)."

We have learned in a Boraitha upon the authority of R. Elazar, that the cakes were not desecrated; that when both were still on the benches all the people still ate leavened bread, when one was removed eating was abstained from and when both were removed it was commenced to burn the leaven.

In another Boraitha we have learned: Abba Saul said: There was another sign, viz.: Two cows were drawing a plough on the Mount of Olives. While both cows were seen, all the people still ate leavened bread; when one of them was taken away, the people abstained from eating and as soon as the other was also taken away, it was commenced to burn the leaven.

MISHNA: R. Hanina, the Sagan of the priests, said: The priests never objected to burn flesh which had become unclean through a child of uncleanness \* (*i.e.*, had become an uncleanness of the second degree) together with such as had become unclean with a parent of uncleanness (*i.e.*, had become an uncleanness of the first degree), although the (legal) uncleanness of the first mentioned had become correspondingly increased. R. Aqiba added to this and said: "The priests never objected to burn the oil of heave-offering, which had become unclean by being poured by an unclean person, who, however, had bathed on that day, into (a metal) lamp which had come in contact with an uncleanness produced by a dead body, notwithstanding the fact, that a higher degree of impurity had thus been added to its former impurity."

Said R. Meir: We learn from their words, that it is permissible, on account of the Passover, to burn clean heave-offering (of leaven) with that which has become unclean; but R. Jose rejoined: "This is not a (correct) inference." R. Eliezer and R. Jehoshua agree, however, that it is necessary to burn each separately. Wherein do they differ? Concerning things whose uncleanness is doubtful, and things which are positively unclean; for R. Eliezer says: "Each of them must be burned separately"; but R. Jehoshua says: "They may be burned together."

GEMARA: Let us see! If flesh had become unclean through a child of uncleanness, it became an uncleanness of the second degree; the flesh which had become unclean through a parent of uncleanness, became an uncleanness of the first degree; now, if the first mentioned flesh came in contact with the last mentioned, it also only attains a second degree of uncleanness, how can it be said that its degree of uncleanness had been increased? Said R. Jehudah: "The first named flesh had not been contaminated by a child of uncleanness, but by a second (degree) of uncleanness, in which it had become a third of uncleanness. Thus when brought into contact with flesh which was a first degree of uncleanness, it becomes unclean in the second degree, and R. Hanina holds, that a third degree of uncleanness may be made unclean in the second degree."

It is known, however, that eatables cannot become unclean by contact with other eatables? Here a case is referred to, where the flesh was soaked with a beverage, when it can become

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\* For definition of the terms "parent of uncleanness," "child of uncleanness," etc., see Tract Shekalim, Ch. VIII., Mishna *d.*

unclean on account of the beverage. If so, why does the Mishna state flesh only? It should have been mentioned in connection with beverages. Therefore we must say, that although, according to biblical law, eatables cannot become unclean by contact with other eatables, yet according to rabbinical law, eatables may become unclean in that manner.

"*R. Aqiba added to this and said.*" Let us see! What does R. Aqiba add to the above? The oil which had been touched by the unclean person became primarily a third of uncleanness, and, when poured into the lamp which was a first of uncleanness by reason of its contact with a parent of uncleanness, it became a second of uncleanness. (Hence where is the difference between R. Aqiba's statement and that above?)

Said R. Jehudah: In this instance the lamp was of metal and the Merciful One said [Numbers xix. 16]: "And whosoever toucheth in the open field one that hath been slain with a sword," which signifies, that the sword (which is of metal) becomes equally unclean with the object which it touches. Thus the lamp having come in contact with a parent of uncleanness also becomes a parent of uncleanness and the oil consequently becomes through contact with the lamp a first degree of uncleanness. This constitutes the addition made by R. Aqiba, viz.: A third of uncleanness may be turned into a first of uncleanness.

"*Said R. Meir: 'We learn from their words,'*" etc. From whose words do we learn? Said Resh Lakish in the name of Bar Kappara: The Mishna in citing a parent or a child of uncleanness refers to such according to the biblical institution, and R. Meir's statement: "We learn from their words," which refers to rabbinical enactments, has no bearing upon our Mishna but concerns the difference between R. Eliezer and R. Jehoshua elsewhere (Tract Terumoth, Chap. VIII., Mishnas 8 and 9), and signifies as follows: "From the dispute between R. Eliezer and R. Jehoshua we learn, that clean heave-offering (of leaven) with that which has become unclean may be burned, etc."

This may be inferred also from our Mishna itself; for further it is stated, that "R. Eliezer and R. Jehoshua agree," etc., and had they not been referred to in the first place, how could they be quoted as agreeing upon the point involved? So also said R. Na'hman in the name of Rabha b. Abuhu.

R. Assi said in the name of R. Johanan: "R. Jose and R. Meir differ only concerning the sixth hour but after that time R. Jose also admits, that the clean heave-offering may be burned

with the unclean." Said R. Zera to R. Assi: According to thy statement, then, R. Johanan holds, that R. Hanina the Sagan treats of the parent of uncleanness from a biblical point of view and of the child (first) of uncleanness from a rabbinical point of view; R. Meir, therefore, in his statement refers to the words of R. Hanina. (For the reason, that R. Meir speaks of the sixth hour, when, according to biblical law, even eating is permissible.) R. Assi rejoined: "Yea; so it is." The very same statement was taught also in the name of R. Johanan: And R. Meir holds according to his theory elsewhere while R. Jose holds in accordance with *his* own theory. R. Meir's theory is, that contact with beverages which are unclean causes uncleanness only according to rabbinical law, while according to biblical law this cannot take place (hence if R. Hanina the Sagan says, that flesh which has become unclean in the second degree was burned with flesh unclean in the first degree, the first named was only unclean according to rabbinical law while according to biblical it was clean and it was burned together with a biblical parent of uncleanness). R. Jose, however, holds, that contact with unclean beverages can cause uncleanness even according to biblical law; hence the first named flesh was made a child of uncleanness *biblically*, in which case it cannot be equal to clean heave-offering in the sixth hour, at which time according to biblical law leaven may still be eaten. This we learn from the following Boraitha:

"If there were doubtful beverages (*i.e.*, it was not known whether they had come in contact with an unclean person or not) they are themselves unclean, but cannot impart uncleanness to others. Such is the dictum of R. Meir. So also said R. Elazar. R. Jehudah, however, said, that they can even impart uncleanness to others. R. Jose and R. Simeon both said: They can impart uncleanness to eatables only but not to vessels."

The master said: "R. Jehudah, however, said, that they can even impart uncleanness to others." Shall we assume, that R. Jehudah holds the capability of doubtful beverages to impart uncleanness to vessels also in accordance with biblical law? Have we not learned in a Mishna [Tract Kelim xxv. 1]: "all vessels having an inner side and an outer side, *f.i.*, bolsters, pillows, sacks and bags, if becoming unclean on the inner side, the outer side is also unclean; but if the outer side only had become unclean, the inner side remains clean. Said R. Jehudah: Such is the case if they had become unclean through contact



with beverages, but if through contact with reptiles, it makes no difference which side had become unclean: both sides are unclean?" If we would say then, that uncleanness through contact with beverages is based on biblical law, why is there a distinction made (the same should be the case as with reptiles)?

Said R. Jehudah in the name of Samuel: "R. Jehudah (of the Mishna) retracted this statement."

The schoolmen propounded a question: "Did R. Jehudah retract his statement concerning vessels only but as for eatables he holds as R. Jose and R. Simeon, or did his retraction also apply to eatables and he is of the same opinion as R. Meir?" Said R. Na'hman bar Itz'hak: "Come and hear: The flesh of a cow, which had drunk the waters wherein were contained the ashes of the (sacrificial) red heifer and was slaughtered immediately afterwards, is unclean. R. Jehudah, however, said, that the flesh is not unclean, as the water was annihilated in the entrails of the cow." If, then, R. Jehudah's retraction only referred to vessels, but as for eatables he holds with R. Jose and R. Simeon, why does he say that the flesh is not unclean? Granting that the water was not quite effective in the entrails of the cow, the uncleanness caused thereby is not severe but it certainly constitutes a mild uncleanness? R. Jehudah really means to state that the flesh was not severely unclean but was mildly so. R. Ashi, however, said, that the water was actually annihilated and R. Jehudah holds such to be the case not because of his retraction, but because the water mentioned is foul and cannot be considered a beverage.

## CHAPTER II.

### REGULATIONS CONCERNING THE TIME FOR EATING LEAVENED BREAD ON THE EVE OF PASSOVER—MATERIAL USED FOR MAKING UN- LEAVENED BREAD AND BITTER HERBS.

**MISHNA:** As long as it is lawful to eat leavened bread, one may also give it to his domestic or wild animals or to fowls; he may also sell it to strangers or derive benefit therefrom in any other way; when that time is passed, however, it is unlawful to derive any benefit from it whatever, not even use it for fuel or to light therewith an oven or a stove. R. Jehudah said: "The removal of leaven cannot be effected except by burning"; but the sages maintain, "It can also be effected by crumbling it into small particles, casting it to the wind or throwing it into the sea."

**GEMARA:** According to the Mishna, at the time when one is no longer allowed to eat leaven himself, he must not give it to others either? With which Tana does the Mishna accord?

Said Rabba bar Ula: The Mishna above is according to the opinion of Rabbon Gamaliel, who says, that ordinary eatables may be eaten only during the first four hours, but heave-offerings may be eaten even during the fifth hour and should be explained thus: As long as the priest may still eat heave-offering an ordinary Israelite may give ordinary leaven to others, etc.

Why does the Mishna enumerate domestic and wild animals and fowls? Would it not suffice to simply mention animals? Were domestic animals only mentioned, it might be assumed that they may be given that leaven, because should they leave any it will be seen and can be guarded against, whereas wild beasts generally hide what they leave uneaten and may thus cause the man to be guilty of having leaven in his house on the Passover. On the other hand, were wild animals only mentioned, it might be presumed that wild animals only are mentioned, because whatever they leave uneaten they hide and a man will not be able to see it, while if domestic animals should leave any of it, it will be within sight of all and will not be heeded by him,

when he will become guilty of having leaven in his house within the view of all. Hence the enumeration is made. Why are fowls specially mentioned? Because animals are specified, fowls are also added.

*"He may also sell it to strangers."* Is this not self-evident? (If it may be eaten, why should it not be allowed to sell it to a Gentile?) We are told this in order not to presume that the Halakha prevails according to the Tana of the following Boraitha: "Beth Shammai say: Leaven should not be sold to a Gentile unless it is positively known that he will consume it before the Passover. Beth Hillel, however, hold, that if it may be eaten, it may also be sold. R. Jehudah ben Bathyra said: 'Kuthach (a dish made with leavened bread) and any other dishes made with Kuthach must not be sold thirty days before Passover.'"

*"Or derive benefit therefrom,"* etc. Is this not self-evident? This refers to corn which had been parched during the first four hours and which may under those circumstances be used even after the appointed time, and the Mishna is in accordance with the opinion of Rabha, who decreed that.

*"When that time is passed, however,"* etc. Is this not self-evident? The Mishna means to state that even from the sixth hour up to the time when the Passover sets in, no benefit may be derived from any remaining leaven notwithstanding the fact that eating during the time mentioned is rendered unlawful by rabbinical enactments only; for R. Giddel said in the name of R. Hyya bar Joseph, quoting R. Johanan: "If a man betroth a woman on the eve of Passover after the sixth hour even with hard wheat,\* it is not considered a valid betrothal."

*"Nor even use it for fuel."* Is this not self-evident? The Mishna means to state, that even according to R. Jehudah, who holds that removal of leaven cannot be effected except by burning, we might assume, that while it is being burned it may also be used as fuel, hence we are told that this must not be done.

Hezkyah said: Whence do we know that no benefit may be derived from leaven on Passover? Because it is written [Exod. xiii. 3]: "And no leavened bread shall be eaten," and "it shall not be eaten," signifies, that no benefit may be derived from it in the same manner as it must not be eaten. How would it be,

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\* A betrothal is not made effective unless the man gives something to the woman and she accepts it. The gift may consist of anything whatever, if of any value.

however, if the verse read "ye shall not eat"? Then leaven could be used for everything else except eating? Hence we must say, that Hezkyah differs with R. Abbahu, who said: Wherever it is written "one shall not eat," or "it shall not be eaten," or "ye must not eat," it implies, that no use whatever must be made of such thing unless it be explicitly stated that while it should not be eaten, one may otherwise derive benefit therefrom, as it is written [Deut. xiv. 21]: "Ye shall not eat anything that dieth of itself, unto the stranger, etc., canst thou give it or thou mayest sell it," etc.

Concerning reptiles it is written [Levit. xi. 41]: "And every creeping thing that creepeth upon the earth is an abomination, it shall not be eaten," and still we have learned in a Mishna, that those who catch beasts, fowls or fish and among them there should be any unclean species, they may nevertheless sell them to Gentiles? In that case it is different, for previously it is written [ibid. 23]: "Shall be an abomination unto you," which signifies, that it is theirs and they may derive what benefit they can thereof. Then why does the Mishna state, "*if there should be* among them any unclean species, he may sell them," why should it not be allowed to sell such to commence with? Because it is written "shall be *unto you* an abomination" and that implies, that they should always be an abomination, but if incidentally they should come within the possession of a man, he may use them at will.

According to Hezkyah, who says, that wherever it is written "it shall not be eaten" it is unlawful to derive any benefit from the object mentioned, why should it not be written instead "ye shall not eat," in which event the additional passage "shall be an abomination unto you" will become unnecessary? Hezkyah could reply: That is just the ground upon which I base my assertion (for, because it is written "ye shall not eat," the additional passage quoted legalizes the use of such objects; hence wherever it is written "it shall not be eaten" without such additional passage, it is obvious that no benefit may be derived from the object mentioned).

As for leavened bread again, concerning which it is written "it shall not be eaten," and we have learned in a Boraitha that R. Jose the Galilean nevertheless states, that it is surprising why it is ordained that no benefit may be derived from it for all the seven days of Passover? R. Jose may explain his statement by citing the other passage, which reads "shall not be

seen *with thee*," and the words "with thee" signify, that the leaven belongs to the man and he may make use of it. What explanation will the sages bring forth? The sages hold that the words "with thee" merely suggest, that *thy* leaven must not be seen, which belongs to *thee*, but that of others and consecrated leaven may be seen. Whence does R. Jose infer this suggestion? The words "with thee" are written twice. What do the sages infer from the fact that "with thee" is written twice? They hold, that one refers to a Gentile under the control of the man, and the other to one, that is not under his control. Whence does R. Jose adduce this? Because "with thee" is written a third time in another passage [Deut. xvi. 4]. How will the sages explain the third citation of "with thee"? They claim that separate passages were necessary in order to make a distinction between leaven and leavened bread. Were leaven alone mentioned it might be presumed that leavened bread was allowed or *vice versa*, hence both passages were necessary.

Shall we assume that the difference of opinion between Hezekyah and R. Abbahu is similar to the difference of opinion between the following Tanaim: It is written [Levit. vii. 24]: "And the fat of a beast that dieth of itself, and the fat of that which is torn by beasts may be used for any manner of work, but ye shall in no wise eat of it." Why is it written "for any manner of work"? Because it might be presumed that the fat should be used for work pertaining to divine service, but not to ordinary work, hence we are told that it may be used "for any manner of work." So said R. Jose the Galilean. R. Aqiba, however, said: "On the contrary! it might be presumed that the fat could be used for ordinary work but for that pertaining to divine service it should not, hence we are told that this may also be done."

Shall we assume that R. Jose the Galilean and R. Aqiba differ concerning the intent of the passage "Ye shall not eat," R. Jose holding, that wherever the passage occurs, it signifies also, that no use may be made of the object in question and the verse quoted above [Lev. vii. 24] is required in order to permit of the use of such an object as must not be eaten, while R. Aqiba holds, that such things as are forbidden to be eaten may nevertheless be made use of and the verse quoted merely signifies the relation to cleanness or uncleanness?

Nay; it may be that both R. Jose and R. Aqiba agree, that wherever it is written "Ye shall not eat" the object in question

must not even be used, and their point of variance concerns another matter. One holds, that the permission to make use of carrion does not include the fat of the carrion; hence an additional passage is necessary in order to make the use of the fat lawful; while the latter holds, that fat is included in the permission to use the carrion; hence the additional passage concerns only the relative cleanness or uncleanness.

Let us see! Notwithstanding the citation of so many passages, and the allegation of diverse opinions existing between Hezkyah and R. Abbahu, we do not find a single instance of where the two sages actually differ concerning the main issue involved, viz.: the permissibility or non-permissibility of using such objects as are forbidden to be eaten. Upon what point then *do* they disagree? They differ concerning leaven on Passover, according to the sages, who prohibit its use, and concerning the ox, which must be stoned for goring a man,\* and the flesh of which all agree must not be used. According to Hezkyah, it must not be used on account of the passage which states "his flesh shall not be eaten," while R. Abbahu declares, that no passage to that effect is necessary, as by being stoned the ox becomes carrion and must for that very reason not be used.

Even in this case there is no palpable difference of opinion between the two sages? According to both the flesh of the ox must not be used? They differ concerning an ordinary (non-consecrated) animal which had been slaughtered in the court of the Temple, where only consecrated animals could be slaughtered; if an ordinary animal, however, had been slaughtered at that place (it is considered as if it were torn by beasts in the field and its flesh must not be used), Hezkyah says, that it must not be used, because the passage [Exod. xxii. 30] reads: "Flesh that is torn of beasts in the field shall ye not eat; to the dogs shall ye cast *it*." The word "*it*," in his opinion, refers only to the flesh that is torn of beasts, which, though it must not be eaten, may be used as food for dogs, etc., but not to flesh of an animal slaughtered in the court of the Temple. According to R. Abbahu, however, such flesh may, from a biblical point of view, be used.

One of the scholars sate before Samuel bar Na'hmeni and said in the name of R. Jehoshua ben Levi: Whence do we know

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\* See Exod. xxi. 28.

that all things, which are according to biblical law forbidden to be eaten are also forbidden to be made use of; *f.i.*, leaven on Passover and the ox which is stoned? Because it is written [Levit. vi. 23]: "And every sin-offering whereof any of the blood is brought into the tabernacle, etc., shall not be eaten; it shall be burned in fire." Why is the additional injunction to burn it with fire made? The words "it shall be burned in fire" are superfluous in the passage [Lev. vi. 23] quoted, because further on [ibid. x. 16] it is written "Behold it was burnt," hence they should be applied to all other prohibitions of the Law; and if they cannot be applied in connection with such prohibitions as distinctly forbid the eating of the objects mentioned, they should be applied to the use of such objects (*i.e.*, whatever is prohibited to be eaten should also not be used).

Accordingly it might be said, that all such things which must not be used should be burnt? Therefore it is written [ibid. vi. 23]: "And every sin-offering whereof any of the blood is brought into the tabernacle of the congregation to make atonement therewith in the holy place, shall not be eaten; it shall be burnt in fire." Whence we infer, that only such things as are brought into the holy place must be burnt but not other things the use of which is prohibited by the Scriptures should be burned.

Replied Samuel bar Na'hmeni: "From the verse just quoted R. Simeon decrees in another Boraitha that all things of sanctity which become desecrated, *f.i.*, flesh of sacrifices which had been left over, must be burned."

The scholar rejoined: Thy teacher R. Jonathan inferred the above from the following passage [Exod. xxix. 34]: "And if aught of the flesh of the consecration sacrifice, or of the bread, remain unto the morning, then shalt thou burn the remainder with fire; it shall not be eaten." Is not the sentence "it shall not be eaten" superfluous? It is already written, "thou shalt burn the remainder with fire." Hence it should be applied to the other prohibitions of the Law; and wherever it is already written "it shall not be eaten," apply it in the sense that it shall not be used. And lest it might be assumed, that whatever must not be used should be burned, therefore the verse distinctly states "then shalt thou burn the *remainder* with fire." Thus the remainder only should be burned but not other things which are not to be used.

R. Abbahu said in the name of R. Johanan: "All the prohi-

bitions of the Law 'it shall not be eaten' or 'it shall not be used' cannot, if disregarded, make one amenable to the punishment of stripes unless the acts were committed in the manner incidental to their customary execution." What would he intend to exclude thereby? Said R. Schimi bar Ashi: He means to exclude the act of putting fat from the stoned ox on a wound; notwithstanding the fact that, contrary to the law, benefit was derived from the fat, the act does not make a man amenable to the punishment of stripes, and so much the more would he exclude the act of eating raw fat (tallow).

It was also taught by R. A'ha bar Ivia in the name of R. Assi quoting R. Johanan: "If a man put fat from the stoned ox on his wounds, he is not culpable; because all the prohibited acts of the Law cannot if committed make a man amenable to the punishment of stripes unless they were executed in the customary manner." Said R. Zera: "We have learned a similar ordinance in another Boraitha (in Tract Cholin)."

Abayi said: All agree, that concerning Kilaim in a vineyard, there is an exception and even if not carried out in the customary manner, the man becomes amenable to the punishment of stripes, because in that instance eating is not mentioned at all (as it is written [Deut. xxii. 9]: "Thou shalt not sow thy vineyard with divers seeds: that the ripe fruit of thy seed which thou hast sown and the fruit of thy vineyard shall not be defiled"), but the injunction is against defilement in any manner whatever.

R. Jacob said in the name of R. Johanan: "It is permitted for a man to cure himself by means of any of the prohibited things mentioned in the Scriptures with the exception of wood taken from the groves used for idolatry." How is this to be understood? If there is danger attending the illness, then even the wood from that grove may be used, and if the illness be not serious then no prohibited things whatever must be used? A dangerous illness is referred to, and nevertheless the wood from a grove used for idolatry must not be used as we have learned in a Boraitha: "R. Eliezer said: 'It is written [Deut. vi. 5], "Thou shalt love the Lord, etc., *with all thy soul*," therefore, even if thou shouldst be forced to give up thy soul thou shalt not do any things pertaining to idolatry.'"

When Rabhin came from Palestine, he said in the name of R. Johanan: "With all things it is permitted to cure one's self, except by means of idolatry, adultery, and shedding of blood." Not by means of idolatry as we have learned above, and "not by



means of adultery and shedding of blood" as we have learned in the following Boraitha: Rabha said: "It is written [Deut. xxii. 26]: For as when a man riseth against his neighbor, and striketh him dead, even so is this matter," hence the ravishment of a betrothed damsel is considered equal to murder, and as concerning murder it is said, that if a man be told to slay another or else he would be slain, he must rather permit himself to be slain than slay another, so it is also concerning a betrothed damsel, who should rather permit herself to be slain, than to be ravished by a man."

Whence do we know, that a man must rather permit himself to be slain than to slay another? This is a matter of common sense, as it happened with Rabha: A man came to Rabha and told him, that the governor of the city had ordered that he (the man) slay a certain man or himself suffer death, and Rabha said to him: "Rather than slay another, thou must permit thyself to be slain; for how dost thou know that thy blood is better than his, perchance his blood is better than thine?"

It was taught: The benefit of a thing which is forced upon a man against his will, may, according to Abayi, be enjoyed (*f.i.*, if a man was carried into a house where fragrant incense was offered up to idols he may enjoy the odor of such incense). Rabha, however, maintains, that he must struggle against it. If he can avoid enjoying it and has no intention to derive any benefit therefrom, it is a case similar to the point of variance between R. Simeon and R. Jehudah concerning an act committed unintentionally. R. Simeon holds, that an act committed unintentionally does not make one culpable, while R. Jehudah holds, that it does. If one cannot avoid enjoying it, but had no original intention to derive any benefit therefrom, all agree, that he must not struggle against it. They differ, however, concerning a case where a man cannot avoid enjoying it, but also had the intention to derive pleasure therefrom. According to R. Simeon he is culpable, and according to R. Jehudah as long as the enjoyment cannot be avoided, the man is *not* culpable. Hence Abayi holds in accordance with the opinion of R. Jehudah. Rabha can also declare, that he is in accord with R. Jehudah; for R. Jehudah holds an intentional act and an unintentional act to be on a par only when a more vigorous ordinance is concerned (*f.i.*, in the case of an unintentional act committed on the Sabbath), but was it ever known, that R. Jehudah should be of the same opinion where a more lenient ordinance is concerned?

Said Abayi: When do I adduce my statement? From the following Boraitha: "It was told of R. Johanan ben Zakai, that he sate in the shade of the Temple and lectured all day. (The Temple being sanctified must not be put to (profane) use, and R. Johanan, on account of the heat of the sun, sought the shade caused by the height of the Temple)." In this case it was a matter of necessity for R. Johanan to use an open space because he could not find a room sufficiently large to accommodate his audience, and when seeking the shade of the Temple he did so with the intention to avail himself of the benefit of the shade, whence I may infer, that such an act, even though it be intentional, is permissible.

Rejoined Rabha: "With the Temple it is different. It was constructed for use on the inside and not on account of its shade."

"*Or to light therewith an oven or a stove,*" etc. The rabbis taught: An oven which was fed with the peel of fruit from newly planted trees\* or with the straw of Kilaim (divers seeds) of a vineyard (if the oven was new and by such burning had become fit), must be demolished. If the oven, however, was an old one, it must only be allowed to cool off and may subsequently be used. If bread was baked with the heat caused by such fuel, Rabbi said, "the bread must not be used," while the sages permit its use. If food was cooked over the coals of such fuel, all agree, that such food may be consumed.

Have we not learned in another Boraitha, that be the oven old or new it need only be cooled off and subsequently it may be used? This presents no difficulty. The latter Boraitha is in accord with the sages, who hold, that bread baked in an oven fed with such fuel may be used, thus discountenancing the assumption that the heat of such fuel invalidates the bread; consequently they hold that the oven must simply be allowed to cool off but need not be demolished.

Said R. Joseph in the name of R. Jehudah quoting Samuel: "An oven fed with the peel of fruit from newly planted trees or with straw of Kilaim of a vineyard (if the oven was new) must be demolished. If it was an old one, however, it must only be allowed to cool off and may subsequently be used. If bread was baked with the heat produced by such fuel, Rabbi said 'the bread may be used,' while the sages prohibit it." Did

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\* Concerning the law of newly planted trees, see Leviticus xix. 23.

we not learn to the contrary, however, viz.: that Rabbi prohibited the use of such bread while the sages permitted it?

Samuel generally adheres to the rule, that wherever Rabbi differs with an individual, the Halakha prevails according to Rabbi, but when differing with the sages, the Halakha prevails according to the sages. In this instance, however, Samuel holds, that the Halakha prevails according to Rabbi in the former Boraitha; but knowing that the people hold to the rule that wherever Rabbi and the sages differ, the Halakha prevails according to the sages, he purposely inverts the Boraitha and makes it appear as if the sages originally prohibited the use of the bread in question.

The Boraitha also stated: "If food was cooked over the coals of such fuel, all agree, that such food may be consumed." R. Jehudah in the name of Samuel and R. Hyya bar Ashi in the name of R. Johanan differed concerning this ordinance. One holds, that the ordinance is effective only if the coals were already extinguished; but if still live, the food must not be used. The other, however, holds, that even if the coals were still live, it is also permitted to use the food.

According to the former opinion, Rabbi *correctly* states, that bread baked in the heat caused by such fuel is not to be used, because he holds, that the use of the fuel is indirectly transmitted to the bread or, in the case of the live coals, to the food; but according to the one who permits the use of food cooked over the *live* coals of such fuel, how can Rabbi prohibit the use of the bread baked in the heat produced by such fuel? Said R. Papa: Rabbi may refer to bread which is baked directly by the flame of such fuel. In that case, do the sages *also* permit the use of such bread? Under what circumstances then does the fuel render the use of things unlawful? When a man sits opposite the flame, said R. Ami bar Hama, caused by such fuel in order to warm himself and thus derives direct benefit from such fuel it is not permitted (but bread, being baked only when the flame is about to die out and heat remains, may be used).

"R. Jehudah said: '*The removal of leaven cannot be effected except by burning.*'" We have learned in a Boraitha: R. Jehudah said: "Leaven must be removed only by burning and so should the law be; for if the remainder of the flesh of the sacrifices, concerning which there are no commandments directing that it must neither be seen nor found, must be burnt, so much the more should leaven be burned"; but the sages replied:

"Every regulation which is intended to be made more rigorous, but by force of circumstances eventually becomes even more lenient, cannot be considered a proper regulation; for in this case thou sayest 'leaven must be removed only by burning,' but how would it be if a man could not find any wood at the time? Should he do nothing towards removing it? But the law distinctly orders the leaven to be removed, as it is written [Exod. xii. 15]: 'But on the first day ye shall have put away leaven out of your houses,' which signifies, that it must be removed by any means whatever."

R. Jehudah, however, advanced another argument: "The remainder of the flesh of the sacrifices must not be eaten and leaven must not be eaten; hence as the former must be burnt so must the latter"; but the sages again replied: "Take the instance of carrion. Carrion must not be eaten, yet it need not be burned," and R. Jehudah replied: "There is a difference between the two. The remainder of the flesh must not be eaten nor may any benefit be derived therefrom, which same law applies also to leaven." "Then take the instance of the stoned ox," said the sages again, "that must not be eaten nor even used and still it need not be burnt." "There is still a difference," rejoined R. Jehudah, "the remainder of the flesh must neither be eaten nor used, and if it is the culprit becomes amenable to the punishment of Kareth (being 'cut off'); the same law applies to leaven; hence the latter should also be burned." "Then what about the fat of the stoned ox," queried the sages, "that must not be eaten, and if this be done, it constitutes a transgression punishable with Kareth; still it need not be burned?" R. Jehudah then advanced another argument: "Concerning the remainder the law prescribes, that it shall not be left until morning, and concerning leaven it is also prescribed, that none should remain, then why should not burning apply to both?" and the sages replied: "Take the instance, then, of a trespass-offering brought for a doubtful transgression or a sin-offering fowl brought for a doubtful case, which we ourselves declare should be burned, still thou maintainest, that it must not be put on the altar but should be buried." This rejoinder silenced R. Jehudah. Commenting upon this R. Joseph said: "This can be compared to the general saying, that a wood-carver carved a spoon and with that spoon he carried mustard to his mouth and burned his tongue." Abayi, however, said: "It can be compared to a man making stocks, which are subsequently shackled to his own

feet," and Rabha said: " It can be compared to a man making arrows, one of which finally reaches his own heart."

" *But the sages maintain, it can also be effected by crumbling,*" etc. The schoolmen propounded a question: " What does the Mishna mean, that it should be crumbled in order to be thrown forth to the wind but that it may be thrown into the sea whole or that it must also be crumbled before being thrown into the sea? We have learned in a Boraitha: If the man is in a desert, he should crumble the leaven and throw it forth to the wind; but if he is at sea, he may throw it into the water whole."

MISHNA: Leaven belonging to a Gentile, which during the Passover was in possession of that Gentile, may be used after that festival, but not when it belonged to an Israelite, for it is written [Exod. xiii. 7]: " Neither shall there be seen with thee any leaven in all thy boundaries."

GEMARA: According to whose opinion is this Mishna? Not according to R. Jehudah, nor R. Simeon nor R. Jose the Galilean? What is their opinion? We have learned in the following Boraitha: One who ate Chometz (leavened bread) before or after the appointed time (which is the time between noon and sunset on the eve of Passover) transgressed a negative commandment. If he ate it during the appointed time he transgressed a negative commandment and is amenable to Kareth (being cut off). From the time when it is prohibited to eat Chometz and further, no benefit whatever may be derived therefrom. Such is the dictum of R. Jehudah. R. Simeon, however, said: " Before and after the appointed time, eating Chometz does not constitute a transgression," but at the appointed time he agrees with R. Jehudah, and R. Jose the Galilean said: " It is surprising to know, that no benefit may be derived from Chometz during all of the seven days." Whence do we know that a man who eats Chometz during the six hours preceding the time when Passover sets in, transgresses a negative commandment? Because it is written [Deut. xv. 3]: " Thou shalt not eat *therewith* any leavened bread." Such is the dictum of R. Jehudah. Said R. Simeon to him: " How canst thou say such a thing? It is also written [ibid.]: ' Seven days shalt thou eat *therewith* unleavened bread ' (if thou shouldst say that ' therewith ' refers to the Passover-sacrifice, did then the Passover-sacrifice continue for seven days?). Thus ' therewith ' refers to the moment when the eating of unleavened bread be-

comes compulsory; but before such time the negative commandment, 'Thou shalt not eat leaven,' is not effective."

Upon what grounds, then, does R. Jehudah base his dictum, that even during the six hours preceding the arrival of Passover, Chometz must not be eaten? Because there are three passages referring to leaven [Exod. xii. 20, *ibid.* xiii. 3, and Deut. xvi. 3], one of which has reference to the six hours preceding the appointed time, the second to the appointed time, and the third for the Chometz which was not removed before the Passover, and was left over until after Passover.

How does R. Simeon account for the three passages? He applies *one* to the appointed time, another [Exod. xii. 20] to such things as had become leavened by contact with leaven, and the third refers to the time when the Israelites went out of Egypt, when the eating of Chometz was prohibited for one day only, as stated by R. Jose the Galilean, who bases his assertion to that effect on the passages [Exod. xiii. 3 and 4]: "No leavened bread shall be eaten. This day go ye out, in the month of Abib." Thus only on this day no leavened bread should be eaten.

Now, then, according to whose opinion is the Mishna? Shall we assume that it is according to R. Jehudah? Does he not hold all Chometz to be unlawful after Passover, if in existence during the Passover, regardless of whether it belong to a Gentile or an Israelite? According to R. Simeon, even that belonging to an Israelite may be used after the Passover? And according to R. Jose the Galilean, even during Passover benefit may be derived from Chometz belonging to an Israelite also?

R. A'ha bar Jacob replied: "The Mishna is according to the opinion of R. Jehudah, and the question how, according to R. Jehudah, leaven belonging to a Gentile may be used after the Passover can be answered by stating, that R. Jehudah infers a comparison by analogy from the fact that leaven, being mentioned in connection with eating and also with seeing, in the same manner as only leaven belonging to the person concerned must not be seen, but that belonging to others may be seen, so it is also with respect to eating. A man must not eat his own leaven, but that of another he may eat. Accordingly our Mishna should have taught that eating is also permissible; but in consequence of the necessity of mentioning that no benefit may be derived from bread belonging to an Israelite, the same term is used in connection with bread belonging to a Gentile. In the

same manner, our Mishna should have taught, that bread belonging to a Gentile may be eaten even during the appointed time; but from the necessity of mentioning that bread belonging to an Israelite must not be used *after* the appointed time, the same is also taught concerning a Gentile."

Rabha, however, said: "The Mishna may also be in accordance with R. Simeon, and the question, Why should no benefit be derived from bread belonging to an Israelite after the Passover? may be answered by stating, that it was merely a punishment for the transgression of the two commandments, 'it shall not be seen' and 'it shall not be found,' which the Israelite committed by leaving the leaven over from before the Passover."

The Mishna concludes by quoting the passage: "Neither shall there be seen," etc. Thus Rabha's statement is borne out; but according to R. A'ha bar Jacob, it should conclude with the passage: "No leaven shall be eaten." Thou assumest that the conclusion of the Mishna refers to the prohibition of using bread belonging to the Israelite! This is not so! It refers to the first clause of the Mishna; namely, the bread belonging to a Gentile may be used, because it is written, "Neither shall there be seen with *thee*," but that belonging to a Gentile may not only be seen but also used, as stated above.

Both of these sages (Rabha and R. A'ha bar Jacob) hold to their individual theories, as it was taught: "If a man had eaten leaven belonging to Gentiles on the Passover, according to R. Jehudah, said Rabha, he should be punished with stripes; but according to R. A'ha bar Jacob, he need not be punished in that manner." Why does Rabha decree thus? Because he holds, that R. Jehudah does not put the eating of leaven on a level with the sight thereof; but R. A'ha bar Jacob holds, that R. Jehudah does put eating on a level with the sight of leaven, hence the punishment of stripes is not to be inflicted.

Rabh said: "Chometz, whether it became mixed with its own kind (which was unleavened) or with another kind during the appointed time (the seven days) is prohibited to be used. If it became mixed at any other but the appointed time, it is prohibited to be used only if it became mixed with its own kind; but if with a different kind it may be used."

[How is the case? Does Rabh mean to state, that the Chometz which had become mixed with the unleavened can be tasted? Why then does he permit its use at any other but the

appointed time and if mixed with a different? The Chometz can be detected by means of the taste? It might be said, however, that the Chometz was of so trifling a quantity that it could not be detected; then why, if it became mixed during the appointed time and not with its own kind, should it be prohibited?

Rabh intended that his decree serve as a precautionary measure, and prohibits even a trifling quantity of Chometz during the appointed time, which had become mixed with a kind not its own, lest it be used if it became mixed with its own kind.]

Samuel, however, said: "During the appointed time only Chometz which had become mixed with its own kind is prohibited but not such as had become mixed with another kind, while at any other but the appointed time it may be used even if mixed with its own kind." (Thus Samuel does not hold the precautionary measure of Rabh to be necessary.)

R. Johanan, however, said: "Chometz even during the appointed time and when mixed with its own kind is only then prohibited if it can be tasted (with the unleavened). In all other cases it may be used." (Because he holds with R. Simeon, who permits the use of Chometz after the appointed time in any manner.)

Said Rabha: The Halakha prevails, that Chometz during the appointed time is prohibited to be used, if mixed with its own kind or with another kind even in trifling quantities, as Rabh decreed; and at any other but the appointed time it may be used in any manner, as R. Simeon decreed. Rabha holds to his individual theory and says: When we were at the school of R. Na'hman, he told us after the Passover to go and buy leavened bread from the soldiers of the government.

Rabh said: "Earthenware pots which had been used during the year must be destroyed before Passover." For what reason? Let them be left over until after the Passover and then used for other kinds of food than formerly? This is a precautionary measure, in order to prevent the possibility of their being used for the same kinds of food as formerly.

Samuel, however, said: "They need not be destroyed, but kept until after Passover, and then they may be again used for any purpose whatever." Samuel holds to his individual theory, for he said to the vendors of earthenware pots for the Passover: "Lessen the prices of your pots for the Passover, otherwise I



shall decree that the law prevails according to R. Simeon (and the old pots will be valid after the Passover)." Why did he not proclaim this in reality? He is of the opinion of R. Simeon? The place where he was at the time was within the jurisdiction of Rabh; hence he could only threaten them.

An oven was greased with fat immediately after it had been heated. Rabha bar Ahilayi prohibited the eating of the bread baked therein even with salt, lest it be eaten with Kutach (a dish made with milk), and prohibited the use of the oven for all time to come. An objection was made: We have learned: "Dough must not be kneaded with milk, and if this was done the bread therefrom must not be eaten, in order to avoid the possibility of committing a transgression (*i.e.*, eating such bread with meat). Likewise, an oven must not be greased with the fat of a ram's tail, and if this was done, the bread must not be eaten and the oven must again be heated and other bread baked."

Thus we see, that the oven may be reheated and other bread baked therein; why does Rabha bar Ahilayi prohibit the use of the oven permanently? Rabha bar Ahilayi can make no answer to this question.

Said Rabhina to R. Ashi: "Now, if Rabha bar Ahilayi's statement was effectually refuted by the Boraitha, why should Rabh decree, that the pots which were used during the year must be destroyed before the Passover,\* why could they not be burnt out and then used again?" and R. Ashi answered: "With an oven it is different. That is heated on the inside; hence as soon as it is heated again no traces of the fat will be left and it becomes the same as it was before; while pots are always exposed to the fire from the outside, and for that reason their condition will remain unchanged; and if thou shouldst ask why the inside of the pots should not be exposed to the fire also, the answer is, that there is fear of their bursting should this be done. Hence I say, that a pot which could withstand a

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\* Why was the decree of Rabh confronted with the fact that Rabha bar Ahilayi's statement had been effectually refuted by the Boraitha? Why could not the Boraitha itself have been used in order to counteract Rabh's decree? In our opinion, this was not done because Rabh was a Tana, and in many instances the Talmud allows Rabh, as a Tana, to dispute a Boraitha. In this case, however, as Rabha bar Ahilayi could find no answer for the refutation, and it was not said in his defence that he held according to Rabh, which he could have done provided Rabh had actually differed with the Boraitha, hence we must assume that Rabh is in accordance with the Boraitha. Now, then, if such is the case, the question why Rabh holds that the pots must be destroyed according to Rabh is a logical one.

fire must not be used on Passover, unless it was filled with live coals and burnt out."

Rabhina asked of R. Ashi: "What should be done on Passover with knives?" and he answered: "I buy new knives for the Passover." And Rabhina rejoined: "In Master's case it is proper; for thou art rich and canst afford it; but what should a poor man do?" "I do not mean exactly new knives," replied R. Ashi, "but renovated knives," *i.e.*, knives the blades of which are covered with clay and placed in the fire, and after being thoroughly burnt are taken out, and together with the hilts are soaked in boiling water, when they become equal to new ones. The Halakha prevails, however, that the whole knife need only be soaked in boiling water which had not been removed from the fire.

Said R. Huna the son of R. Jehoshua: "A wooden ladle should be placed in boiling water which had not been removed from the fire," for he holds, that in the same manner that the ladle absorbs the leaven contained in the pots, in the same manner can it be purified.

Ameimar was asked: What is the law concerning glazed pottery? If the color of the coating was green, there is no question but that they must not be used; but we refer to such as were glazed in black or in white. If the coating was cracked, there is also no question but that they must not be used; but we refer to such as were perfectly smooth. Ameimar replied: "I noticed that the fat cooked in such pots oozes out on the other side, and hence it is obvious that they absorb it; and the Scriptures attested that an earthen pot never yields forth what it has once absorbed." \*

Said Rabba bar Abba in the name of R. Hyya bar Ashi, quoting Samuel: "All vessels in which leavened food had been kept while cold may be used for unleavened food, with the exception of such vessels as contained actual leaven, for that is very pungent." Said R. Ashi: "Such vessels in which leavened bread and vinegar were generally mixed must also not be used, because that is equal to leaven." And Rabha said: "The large basins which are frequently used in the city of Mehusza for kneading dough must also not be used, because they are considered the same as kneading-troughs." Is this not self-evident? Because basins are open on all sides we might assume that the

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\* *Vide* Leviticus vi. 21.

air surrounding it destroys the effects of the leaven, hence we are told that such is not the case.

**MISHNA:** If a Gentile lent money to an Israelite, taking as security leavened articles, such articles may be used after the Passover; but if an Israelite had lent money to a Gentile on leavened articles they must not be made use of after the Passover.

**GEMARA:** It was taught: If one man owed another money and pledged his property as security for the debt, and the debt becoming due had not been paid, Abayi said the articles pledged must be considered the property of the creditor from the time the loan was made, while Rabha said, "Only from the moment the debt became due." If the debtor sold or consecrated his property before the debt fell due, all agree that the creditor can recover such property, or (if consecrated) redeem it (for a trifle), in order that it may not be said that consecrated articles can be recovered gratuitously. Wherein they do differ is, if the creditor had, prior to the time the debt fell due, transferred his eventual right to the property to another or consecrated it. Abayi holds, that such transfer is valid in the event of consecration; it holds good because, as we see that the debt was not paid when it became due, the pledged articles are considered the property of the lender from the time the money was loaned. Rabha, however, maintains, that on account of his having no right to the property until it was forfeited, the transfer or consecration, whichever the case may be, is of no account, because if the debtor would have had the money he would have redeemed his pledge, consequently the pledge belongs to him until the time has expired.

An objection was made based upon our Mishna: "If a Gentile lent money to an Israelite upon leavened articles, they may be used after the Passover." Thus, according to Abayi, who holds that the right of possession is vested in the creditor from the moment the loan is made, it would be correct, because during the Passover the leavened articles were the property of the Gentile; but according to Rabha, who holds that the right of possession is not the creditor's until the property is forfeited, the leavened articles were the property of the Israelite during the Passover, how can they then be lawfully used? In this case the Mishna refers to an instance where the pledged articles were deposited with the creditor, as we have learned in a Boraitha: "If a Gentile pledged a large loaf (used as a wedding-cake) with

an Israelite on Passover, the Israelite does not transgress the law prohibiting leaven to be seen or found with him. If the Gentile, however, told him that thenceforth that loaf should be his, the Israelite by accepting it would commit such a transgression"; hence Rabha's opinion is borne out.

The rabbis taught: If there was a store of wine and bread belonging to an Israelite, and Gentile and Israelitish laborers worked there, the Chometz found therein after the Passover must not be used, much less eaten. If it was a store belonging to a Gentile and Israelitish laborers worked there, the Chometz found there after the Passover may be eaten, and so much the more be used.

MISHNA: Leaven that had been covered by fallen ruins must be considered as annihilated and removed. Rabbon Simeon ben Gamaliel says: "Only then, if it is covered to such an extent that a dog cannot drag it out."

GEMARA: Said R. Hisda: Nevertheless, the man should in mind renounce the leaven.

The Mishna states: "If it be buried to such an extent that a dog cannot drag it out." We have learned in a Boraitha: "How much is that? Three spans."

R. A'ha the son of R. Joseph asked R. Ashi: "Samuel said: There is no better way of hiding money than by burying it in the ground. Should it be buried to a depth of three spans also?" and he answered: "In the case of the leaven it is essential that the dog should not scent it, hence three spans are necessary; but when burying money it is only required to hide it from view and a lesser depth is sufficient." What should the depth be, however? Said Raphram bar Papa of Sikhra: "One span."

MISHNA: If any person should eat leavened heave-offering during the Passover by mistake, he must pay the principal and a fifth part\* in addition; but if he ate it wilfully, he is exempt from the obligation of making restitution and also from payment of its value as wood (fuel) in case of the heave-offering being unclean.

GEMARA: The schoolmen propounded a question: "In what manner must the person make restitution, according to the quantity consumed or according to the value thereof? We do not ask concerning a case where the value of the article con-

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\* *Vide* Leviticus xxii. 14.

sumed had been greater and had subsequently depreciated; *f.i.*, if it had originally been worth four zuz and later only one. In that case he must certainly refund its original value, for there is no difference between his case and that of a robber, concerning whom we have learned in a Mishna, that when a robber makes restitution for a pillaged article he must do so in accordance with the value of such article at the time it was purloined. We ask, however, concerning an instance of where the article consumed had enhanced in value; *f.i.*, it had been worth one zuz and subsequently rose to the value of four zuz. Should he restore the article according to the quantity or according to the value, *i.e.*, if he had only eaten the worth of one zuz, should he restore the equivalent of that amount?"

Said R. Joseph: "Come and hear: 'If he ate dried figs and repaid with dates, may he be blessed'; thus we have learned in a Boraitha. If he paid in accordance with the quantity, *i.e.*, he ate a measure of dried figs which is only of the value of one zuz and made restitution with a like measure of dates which was worth four zuz, it is obvious why he should be blessed; but if he restored only the value of the dried figs with dates of equal value, why the blessing?"

Rejoined Abayi: "He may have only refunded the value of the figs by an equal value in dates, but nevertheless he may be blessed on account of making restitution for a less salable article with one that is more easily marketable."

An objection was made based upon our Mishna: "Our Mishna states, that 'he must pay,' etc. If he must restore the leavened heave-offering in equal measure it would be correct, but if he must refund the pecuniary equivalent therefor, how can this be done? Leavened articles have no pecuniary value on Passover?" Our Mishna is in accordance with R. Jose the Galilean, who holds that benefit may be derived from leavened articles on the Passover. How then will the latter clause of the Mishna correspond? Why should he be exempt from repayment if he had eaten the leavened heave-offering wilfully? According to R. Jose, benefit may be derived therefrom on Passover? He holds with R. Nehunia ben Hakana of the following Boraitha: R. Nehunia ben Hakana says that the Day of Atonement is put on a par with the Sabbath in the event of a violation of the law concerning either of the two days. (*I.e.*, if a man violate the Sabbath and by such violation cause damage to another, he need make no restitution for the damage inflicted

from the fact that he has committed an offence punishable with death by stoning; should he have done likewise on the Day of Atonement, the fact that he incurs the punishment of Kareth (being cut off) also exempts him from making restitution.\* Thus in this case, where by eating leavened heave-offering the man incurs the punishment of Kareth, he need not make restitution for the article consumed.)

This case presents a difference of opinion between Tanaim, as we have learned: If a person had eaten leavened heave-offering on Passover, he is exempt from the obligation of making restitution and also from payment of its value as wood (fuel). Such is the decree of R. Aqiba. R. Johanan ben Nouri, however, holds him liable. Said R. Aqiba to the latter: "What benefit does a man derive from eating leaven on Passover?" and he answered: "What benefit can a man derive from eating unclean heave-offering at any time of the year, and still he is obliged to refund its value?" and R. Aqiba rejoined: "While a man must not eat unclean heave-offering he may otherwise make use thereof, as fuel; how canst thou compare this to leaven on Passover, which must not be used in any manner? The only comparison which can be made between the two can be made by comparing grapes or berries which had become unclean heave-offering and cannot even be used as fuel and leaven on Passover. If such grapes or berries *had* been eaten, I say, no restitution need be made." This difference of opinion refers only to such heave-offering as had been set aside and become leavened before the Passover; but if a person had set aside leavened articles as heave-offering on Passover it cannot be accounted heave-offering at all, for it does not accept of the sanctification of heave-offering.

We have learned in another Boraitha: It is written [Leviticus xxii. 14]: "And he shall make good unto the priest the holy thing." This signifies that he must make good the thing eaten with another that can become holy, but if a man eat leavened heave-offering on Passover, he need not make restitution even for its value as wood (fuel). Such is the dictum of R. Eliezer ben Jacob. R. Eliezer Hasma, however, holds him liable for restitution. Said R. Eliezer ben Jacob to the latter: "What benefit does a man derive from eating leaven on Passover?" (and he answered in the same manner as R. Johanan answered

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\* The sages do not concur in this opinion of R. Nehunia where the punishment of Kareth is incurred.

R. Aqiba. Whereupon R. Eliezer ben Jacob made the same rejoinder as R. Aqiba to R. Johanan ben Nouri, and the conclusion was, that) R. Eliezer Hasma said: "The priest can make use of such leavened heave-offering as food for his dog or as fuel for his stove."

Abayi said: "R. Eliezer ben Jacob, R. Aqiba, and R. Johanan ben Nouri all agree, that no benefit may be derived from leaven on Passover, and R. Aqiba differs with R. Johanan ben Nouri only as follows: R. Aqiba holds, that restitution for holy things must be made in accordance with the value of the article consumed, while R. Johanan ben Nouri maintains, that restitution must be made in accordance with the quantity thereof." Is this not self-evident? We might assume, that their point of variance does not concern the value or the quantity of the article consumed, but whether any benefit may be derived from leaven on the Passover or not; hence we are told by Abayi that such is not the case. Whence does Abayi adduce that such is not the case? Because otherwise R. Johanan ben Nouri would have answered R. Aqiba as R. Eliezer Hasma answered R. Eliezer ben Jacob.

The master said: "If leaven was set aside as heave-offering on Passover, all agree that it cannot be accounted heave-offering." Whence do we adduce this? Said R. Na'hman bar Itz'hak: "From the passage [Deut. xviii. 4]: 'And the first shearing of thy sheep shalt thou give *him*.'" Thus we see that it is written "give *him*," but not for fuel.

R. Huna the son of R. Jehoshua objected: "We have learned, that heave-offering must not be set aside from unclean (grain) to serve for clean (grain), but if this was done unintentionally, the heave-offering is valid." Thus the heave-offering is nevertheless unclean and must not be eaten; still the priest may use it for fuel (and it is nevertheless valid?). This presents no difficulty: In this latter instance the heave-offering at some time could have been eaten by the priest (when it was still clean), while in the case of leaven on Passover the priest never had an opportunity to use it for himself, but it could at any time only have been used as fuel. How should this be understood? For instance, if the article whereof the heave-offering was to be set aside had become leavened while still growing.

How is it, however, if the article had become leavened after it had been reaped? Can it be accounted heave-offering? R. Na'hman bar Itz'hak answered: "Yea; 'This is the interpreta-

tion of the angels and this is the resolve of the Most High' [Daniel iv. 21], and it is also decided in the colleges as I have said."

Subsequently, when R. Huna the son of R. Jehoshua came from Palestine, he gave as a reason why leaven set aside as heave-offering on Passover is not accounted heave-offering the following: "It is written [Deut. xviii. 4]: 'The first fruit of thy corn,' etc., which means that the first of fruit should be given to the priest and the remainder should be used by the donor; but when the remainder cannot be used, as was the case with leaven on Passover, the first cannot be given as heave-offering to the priest."

MISHNA: A person acquits himself of the duty (of eating unleavened bread) on Passover with the following articles: With cakes made of wheat, barley, spelt, rye, and oats; also with Demai (grain of which it is doubtful whether the legal dues had been separated), with first tithes of which the heave-offering had been taken, with the second tithes, and with consecrated things which have been redeemed. Priests (acquit themselves of the duty) with the first of the dough, with heave-offering, but not with (grain) which is still mixed (untithed), nor with the first tithes of which heave-offering has not yet been taken, nor with unredeemed second tithe and consecrated things not redeemed. Neither with cakes of thanksgiving-offering nor the thin cakes of the Nazarite's offering, if they had prepared them for their own use; but if prepared for public sale, they may acquit themselves of the duty (of eating unleavened bread on Passover) therewith.

GEMARA: We have learned in a Boraitha: Spelt is considered grain, and rye and oats are considered cereals.

With the articles enumerated in the Mishna a person acquits himself of the duty, but not with rice or millet? Whence do we know this? R. Simeon ben Lakish and also the disciples of R. Ishmael said; and likewise the disciples of R. Eliezer ben Jacob taught: "It is written [Deut. xvi. 3]: 'Thou shalt not eat therewith any leavened bread. Seven days shalt thou eat therewith unleavened bread,' which signifies, that only such things should be used for unleavened bread which can become leavened; but rice and millet can never become leavened, only putrid." Our Mishna is not in accordance with the opinion of R. Johanan ben Nouri, who said, that rice and millet are also grain, that they *may* become leavened, and that one *may* acquit himself of his duty therewith.



Rabba bar bar Hana said in the name of Resh Lakish: "Dough which was kneaded with wine, oil, or honey, and becomes leavened, does not make the owner amenable to Kareth, if he had eaten it."

R. Papa and R. Huna the son of R. Jehoshua sate before R. Idi bar Abhin, and the latter was slumbering. Said R. Huna the son of R. Jehoshua to R. Papa: "What reason did Resh Lakish have for his dictum?" and he answered: "Because the above passage [Deut. xvi. 3] implies, that only such things as can become leavened may be used for unleavened bread on Passover he holds that the dough in question being rich, and poor dough only being permissible for unleavened bread, it is not an offence punishable by Kareth to eat such (rich) dough." In the meantime R. Idi awoke and said to them: "Youngsters! Thus was the reason of Resh Lakish: 'The dough was made with juice of fruit and not with water, and juice of fruit cannot make dough leavened.'"

"*Also with Demai.*" (The discussions concerning this citation of the Mishna occur many times in the Talmud and have been left in the Tract Berachoth (Benedictions), where they will appear once for all. See Tract Erubin, page 71.)

"*Priests—with the first of the dough.*" Is this not self-evident? We might assume that the unleavened bread for Passover must be valid for all alike, and as the first of the dough, etc., cannot be eaten except by priests only, they should not be used to discharge the obligation (mentioned); hence we are told by the Mishna that they may, because the verse reads Matzoth (the plural of Matzoh), implying that all kinds of Matzoth may be used.

The rabbis taught: "We might assume that a man may acquit himself of the duty of eating unleavened bread with grain of which all the legal dues had not yet been separated, *f.i.*, grain of which heave-offering had been separated but not the heave-offering of the first tithes or of which first tithes only had been taken, but not second tithes or even such of which only the tithes for the poor had not been taken; therefore the passage quoted states, that 'thou shalt not eat therewith any leavened bread: seven days shalt thou eat therewith unleavened bread'; and this implies, that only such things should be eaten as would make one culpable if eaten in a leavened state only; but not such as would make a man culpable for other reasons."

What has become of the prohibition regarding the eating of leaven in that event? The rabbis are in accord with R. Simeon, who holds that a twofold prohibition cannot apply to one and the same thing, as we have learned in a Boraitha: "R. Simeon said: One who eats carrion on the Day of Atonement is free of the sin of violating that day."

The rabbis taught: Shall we assume that a man may acquit himself of the duty of eating unleavened bread with the second tithes, which he had brought to Jerusalem? Therefore it is written [Deut. xvi. 3], "The bread of affliction," which signifies, that only bread which can be eaten during affliction may be used; but second tithes, which must be eaten with joy (according to the passage [Deut. xxvi. 14], "I have not eaten thereof in mourning"), cannot be used. So said R. Jose the Galilean. R. Aqiba, however, said: "Because it is written Matzoth (the plural of Matzoh) and it is repeated several times, even second tithes are included." Why, then, is it called bread of affliction? This implies, that the dough should not be kneaded with wine, oil, or honey. [What could R. Aqiba, however, say to the claim of R. Jose, that second tithes cannot be eaten as "bread of affliction"? R. Aqiba can say: Is it then written "bread of affliction"? it is written "poor bread."\*]

Does R. Aqiba, then, hold that one cannot acquit himself of the duty with dough kneaded with wine, oil, or honey? Have we not learned in a Boraitha: It is not lawful to knead dough in Passover with wine, oil, or honey, and if this was done, Rabbon Gamaliel decrees that it should be immediately burned; the sages, however, say, that it may be eaten. R. Aqiba, commenting thereon, said: "At one time I took my Sabbath-rest in the house of R. Eliezer, and R. Jehoshua and I kneaded them dough with wine, oil, and honey, and they did not object?" [Although (according to Rabbon Gamaliel) this must not be done, if it *was* done, cold water may be poured on on the festival, in order to keep it from becoming leavened, and the sages said: "Such dough as may be kneaded may also be kept from becoming leavened by pouring water thereon on a festival; but such as must not be kneaded must also not be kept from becoming leavened in the manner described. All agree, however, that on Passover dough must not be kneaded with tepid water?"]

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\* The difference between the two is as follows: The Hebrew term for affliction is Oni, written Ayni, Nun, Vav, Iod; and the term for "poor" is also Oni, but is written Ayni, Nun, Iod, and in the verse it is spelled in the latter manner.

This presents no difficulty. On the first day of the Passover one cannot acquit himself of the duty of eating unleavened bread with dough kneaded with wine, oil, or honey; but on the remaining days such dough may be used, as was told by R. Jehoshua to his children: "On the first day (of Passover) ye shall not knead the dough for the unleavened bread with milk; but on the remaining days ye may do so." (It is allowed to knead dough with milk, according to the opinion of Rabbina, providing it is made so that it can be distinguished from the other.)

The rabbis taught: Shall we assume that a man may acquit himself of the duty of eating unleavened bread with firstfruits\* (brought as a meat-offering on Pentecost)? To that end it is written [Exod. xii. 20]: "In all your habitations shall ye eat unleavened bread," which signifies, that only such things as may be eaten in all your habitations may be used for the acquittal of the duty of eating unleavened bread, but such things as can be eaten only in Jerusalem, as is the case with the firstfruits, cannot serve for that purpose. Such is the dictum of R. Jose the Galilean. R. Aqiba, however, says, that the reason firstfruits cannot serve the purpose is because as the unleavened bread is put on a par with the bitter herbs which cannot be taken from the firstfruits (as no firstfruits were taken from herbs); hence the unleavened bread also cannot be taken from the firstfruits. Lest it might be said, on the other hand, that as the bitter herbs are prepared from articles of which kind no firstfruits can be brought, leavened bread which would serve for the acquittal of the obligation should be made only from material of a kind of which no firstfruits can be brought; but wheat and barley, of which firstfruits *are* brought, should be deemed unfit for such purpose; hence the passage repeats Matzoth (plural for Matzoh), which includes all kinds. If that term includes all kinds, why not also firstfruits? R. Aqiba retracted his statement concerning the comparison between bitter herbs and unleavened bread, as we have learned in the following Boraitha: Shall we assume that a man may acquit himself of the duty of eating unleavened bread with firstfruits? To that end it is written [Exod. xii. 20]: "In all your habitations shall ye eat unleavened bread," which signifies, that only such things as may be eaten in all your habitations may be used for the acquittal of the

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\* *Vide* Leviticus ii. 12-14.

duty of eating unleavened bread, but such things as are eaten only in Jerusalem, as is the case with firstfruits, cannot serve the purpose. Accordingly, it might also be presumed that unleavened bread should not be made with second tithes, which should also be eaten in Jerusalem: therefore Matzoth is repeated several times in the passage and made to include even second tithes. If this be so, why are firstfruits excluded, while second tithes are included? We include second tithes because they may be eaten under certain circumstances in any place, as R. Elazar stated: "When second tithe becomes unclean even in Jerusalem, it may be redeemed, and with the ransom-money things may be bought which can be eaten in any place whatever, and firstfruits which cannot be eaten outside of Jerusalem under any circumstances are excluded." Who holds, then, that unleavened bread may be made with second tithes? R. Aqiba, and he excludes firstfruits by reason of the passage quoted [Exod. xii. 20], and not through comparison with bitter herbs. Thus we see that he retracts his former statement, as mentioned above.

The rabbis taught: "It is written 'bread of affliction'; hence pancakes (made of flour, boiling water, and oil) and large loaves cannot serve for the acquittal of the duty of eating unleavened bread." Shall we assume, then, that only coarse (barley) bread can serve that purpose? Therefore Matzoth is repeated in order to add that any kind may be used, even such as were as fine as those used in the time of King Solomon. For what purpose, then, is it written "bread of affliction"? In order to exclude the two kinds mentioned; and whence do we know that large loaves (called in Hebrew "Ashishah") are considered articles of value which cannot be called "bread of affliction"? From the passage [II Samuel vi. 19]: "And he dealt out to all the people, to the whole multitude of Israel, to both men and women, to every person one cake of bread, and an Ashpar (good piece of flesh), and one Ashishah." Said R. Hanan bar Abba, by an Ashpar is meant the sixth part of a young bullock and by an Ashishah is meant a loaf which was made of flour to the quantity of a sixth of an Ephah (a half-saah), and this is at variance with the opinion of Samuel, who maintains that an Ashishah is a flagon of wine; as it is written [Hosea iii. 1]: "Who turn themselves after other gods, and love Ashishai (flagons of wine)."

The rabbis taught: "Thick loaves must not be baked on the

Passover. Such is the decree of the school of Shammai, but the school of Hillel permit this to be done." How thick should they be? Said R. Huna: "One span, because the thickness of the showbreads was one span." R. Joseph opposed this: How can Beth Hillel permit the loaves on Passover to be one span thick, for what have the showbreads in common with Passover loaves? In the case of showbreads there were priests who were thoroughly competent for their work; but the Passover loaves are prepared by ordinary people. The showbreads were prepared with the utmost skill, and how can they be compared to ordinary loaves? For the former dry wood only was used, while for the latter even damp wood is used? The former were baked in a hot oven, while the latter are often baked in a cooler oven; for the baking of showbreads an iron stove was used, while for the Passover loaves an earthen oven was considered sufficient. Said R. Jeremiah bar Abba: I especially asked our Rabbi (meaning Rabh), and according to another version R. Jeremiah bar Abba said in the name of Rabh, who asked *his* (Rabh's) master (who was R. Jehudah the Holy) concerning this question, and he answered: By "thick loaves" is meant in reality a large quantity of dough, and the reason that this should not be baked on Passover is in order to prevent the preparation of bread on the festival for the coming week-days. Why does the Tana teach this with especial reference to Passover? It applies to every other festival? Because he was at the time teaching concerning the Passover. In another Boraitha we were distinctly taught, instead of "on the Passover," on a festival.

The rabbis taught: "One may acquit himself of the duty of eating unleavened bread on the Passover with coarse or fine bread, and even with cakes adorned with figures, although the sages said that it is not allowed to bake cakes adorned with figures on Passover."

Said R. Jehudah: "This question was propounded by Baithus ben Zunin to the sages: 'Why is it not allowed to prepare figured cakes on Passover?' and they answered: 'Because the woman in preparing them tarries over her work, and in the meantime the dough becomes leavened.' Rejoined Baithus: 'Could she not impress the figures on the cakes with a press and thus facilitate the work?' and the sages replied: 'In that event it would be said, that all figured cakes are prohibited, with the exception of those made by Baithus.'"

Said R. Elazar bar Zadock: "I once went with my father to

the house of Rabbon Gamaliel, and he was served with figured cakes on Passover. Afterwards I asked my father whether it was not a fact that the sages had prohibited the use of figured cakes on Passover, and he replied: 'My son, only such as are made by ordinary people are prohibited, but not such as are prepared by bakers.'"

R. Jose said: "If such cakes are made, they should be made as thin as wafers, but not as thick as loaves, because in the latter event they might become leavened."

R. Assi said: "Dough of second tithe, according to R. Meir (who holds second tithe to be consecrated) is exempt from the obligation of first dough (due the priests); but according to the sages it is not. Unleavened bread baked from such dough cannot, according to R. Meir, serve for the acquittal of the obligation of eating unleavened bread on the Passover, while according to the sages it may. According to R. Meir the citron, which must be used on the first day of the Feast of Tabernacles,\* must not be bought with the proceeds of second tithes, while according to the sages it may."

"Neither with cakes of thanksgiving-offering nor the thin cakes of the Nazarite's offering," etc. Whence do we adduce this? Said Rabba: "From the passage [Exod. xii. 17]: 'And ye shall observe the unleavened bread,' which signifies, that only dough which is observed for unleavened bread may be used, but not such as is observed for any other purpose, as is the case with that of the thanksgiving-offering and the Nazarite's offering."

R. Joseph, however, said: "This may be inferred from *this* passage: 'Seven days shall ye eat unleavened bread,' which signifies, that only such bread should be eaten as can be used for the entire seven days, but the thanksgiving and Nazarite offering can only be eaten on one day and night."

There are two Boraithas, one of which bears out the dictum of Rabba, while the other bears out that of R. Joseph.

Why are passages needed upon which to base the decree of the Mishna? Is it not sufficient that the cakes of both offerings mentioned are made of rich dough (*i.e.*, with oil)? Said Samuel bar Itz'hak: The quantity of oil mixed with the dough is so insignificant that it is not counted; for a quarter of a lug of oil is used for a great many cakes. Then let it be said that the rea-

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\* See Leviticus xxiii. 40.

son why those cakes cannot be used is because they cannot be eaten anywhere except in Jerusalem? Said Resh Lakish: "From the Mishna itself, we can infer that these two offerings were eaten not alone in Jerusalem, but also in Nob and in Gib'an."

We have learned in a Boraitha: R. Ilayi said: I asked R. Elazar whether the two kinds of cakes mentioned could serve for the acquittal of the duty on Passover, and he answered that he had not heard whether they could or not. So I went out and asked R. Jehoshua, and he answered: "It was decided, long ago, that such as were made for personal use could not, but those prepared for public sale could be used." When I came back to R. Elazar and told him what R. Jehoshua had said, he replied: "Is this (the result of) a covenant? Was it so decreed to Moses on Sinai, that no reason should be given for the enactment?"

What is truly the reason for this ordinance? Said Rabba: "An article prepared for public sale is of a necessity made conditional; for the intention is, if the article is not sold, the maker will use it for himself."

MISHNA: The duty of eating bitter herbs on the Passover may be acquitted with the following herbs: with lettuce, wild endive and garden endive,\* with Harhabinah,† with bitter coriander,‡ and bitter herbs (horseradish), either fresh or in a dried state, but not if pickled, boiled, or cooked in any way; they may also be combined to the size of an olive, and the obligation is discharged if the stalks of them only had been used; also with Demai (when it is doubtful if they had been tithed), or such as are of the first tithe of which the heave-offering had been taken, or of the second tithe, or of redeemed consecrated things.

GEMARA: The disciples of R. Samuel taught: "The duty of eating bitter herbs may be acquitted with the following herbs: with lettuce, wild endive and garden endive, with Harhabinah and bitter coriander, with oleander § and Harginin and Hardafni ||

\* Hebrew for endive is Thamchah. According to De Pomis, it is the *Carduus marianum*. Others consider it to be the green tops of horseradish.

† A species of nettle. Landau's dictionary translates it *Urtica*.

‡ According to De Pomis, this should be the *Lactuca agrestis* (wild lettuce).

§ Oleander is poisonous, but here a certain non-poisonous species is meant.

|| In explanation of this word, see Hamashbir (Warsaw, 58), opposing the Aruch in this matter.

(kinds of herbs having a bitter taste).” R. Jehudah said: “Also with lettuce of Julin and of Galin.”

Likewise said R. Ilayi: “I heard from R. Eliezer that (Akar-banin) hart’s tongue (*scolopendrium*) may be used, and I inquired among all his disciples, seeking one to corroborate his statement, but could not find one; and when I came to R. Eliezer ben Jacob, he admitted that R. Eliezer had made that statement.”

R. Jehudah said: “All herbs which when cut emit white juice may serve for the acquittal of the duty of eating bitter herbs on Passover,” and R. Johanan ben Berokah, that such as when cut should become a shade paler. Anonymous teachers, however, say that all bitter herbs emit white juice, and become a shade paler when cut. Said R. Johanan: “From these teachings we can infer, that all the bitter herbs enumerated so far are juicy and when cut become a shade paler.” Said R. Huna: “The Halakha prevails according to the decree of the anonymous teachers.”

Rabhina noticed that R. Aha the son of Rabha always endeavored to have a certain kind of bitter herbs (horseradish) on Passover. Said he to R. Aha: “It is thy opinion that this kind of herbs is to be desired because it is more bitter; but have we not learned in the Mishna, and also from the disciples of R. Samuel, that lettuce stands first, and R. Oshiya also said that lettuce was more preferable. Even Rabha said that lettuce is called Hassa (in Arabic), which signifies, ‘God has mercy on us,’ and R. Samuel ben Nahmeni said in the name of R. Jonathan: ‘Why are the Egyptians compared to bitter herbs? Because, as the bitter herbs are first soft and then hard, so were also the Egyptians: at first they treated the Israelites with kindness and afterwards with harshness?’” Answered R. Aha the son of Rabha: “I shall not do so any more.”

R. Rehumī said to Abayi: “Whence do we know that bitter *herbs* must be used? The passage says ‘Maror’ (bitterness)? Can this not refer to the gall of a Khuphia (a certain kind of fish)?” and he replied: “We adduce this from the Matzoth. As Matzoth should be made of the fruit of the earth, so should also the bitterness be derived from the fruit of the earth.” “Can not this also refer to oleander (which is poisonous)?” queried R. Rehumī, and Abayi replied: “Fruit of the earth is required, and not fruit of trees.” “Cannot this also refer to Harzapha? \*”

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\* Probably myrrh, or Greek *κυπέτρον*.



Answered Abayi: "It must be equal to Matzoth in that it may be bought with the proceeds of second tithes, and Harzapha cannot be bought therewith, as it is not an edible article."

Said Rabba bar R. Hanin to Abayi: "As it is written 'Maror' (bitterness), (one kind), why should the bitterest of all kind of herbs be used?" and Abayi replied: "In one place it is also written 'Merarim' [Numb. ix. 11], which signifies more than one." "Perhaps it means but two kinds?" Said Abayi: "As Matzoth may be of several different kinds, so the bitter herbs should be of several different kinds."

"*Either fresh or in a dried state*," etc. Said R. Hisda: "This refers only to stalks of the herbs, but if leaves of the herbs are used they may only be fresh but not dried." If the latter clause of the Mishna, however, refers to stalks, then should it not be assumed that the first clause refers to the leaves? Nay; the Mishna merely explains that the stalks only may be used, fresh or dried.

The rabbis taught: If the leaves are withered the duty of eating cannot be discharged therewith; but upon the authority of R. Eliezer ben Zadock it was said, that even herbs with withered leaves may be used.

MISHNA: It is prohibited to soak bran on the Passover to feed fowls therewith; but it is permitted to pour boiling water on bran. A woman must not soak the bran which she takes with her to the bath, but must use it in a dry state for the purpose of rubbing her body therewith. A person must not masticate grains of wheat to put it (as a poultice) on his wound, because they will become leavened.

GEMARA: The rabbis taught: The following things can never become leavened: "Baked, cooked, and scalded articles." Cooked articles do not become leavened; but can they not become leavened while being cooked? Said R. Papa: "By cooked articles is meant, articles which had previously been baked and then cooked."

We have learned in a Boraitha: "If water drip on flour even all day long, the flour cannot become leavened." Said R. Papa: "This is the case only if the water drip drop by drop."

The disciples of R. Shila said: "Vathka (a dish made of salt, meal, and oil) may be used on Passover." Have we not learned that Vathka must not be used? This presents no difficulty. Such as was made with water and salt must not be used, but Vathka made with oil and salt is permitted.

Mar Zutra said: "The bottom of a cooking-pot must not be strewn with dry flour, lest it be not thoroughly cooked and become leavened." R. Joseph said: "A man should not pour boiling water on two grains of wheat together, lest one become attached to the other and the water will not reach every particle of the grain, in which case it may become leavened."

The rabbis taught: "It is not allowed to soak barley on Passover, but if it was soaked it is not to be used, only if the barley fall asunder, whereas if it remained whole it may be used." Said R. Jose: "Even if it be observed that they are about to fall asunder, it is permitted to pour vinegar on them, which will prevent their becoming leavened." Said Samuel: "The Halakha does not prevail according to R. Jose."

R. Hisda said in the name of Mar Uqba: "The Boraitha which states that if the barley fell asunder it must not be used means to say, that even if they had not yet fallen asunder, but would when taken out, they must also not be used," and Samuel said: "Nay; it distinctly means to say, only if they had already fallen asunder," and so Samuel acted on one occasion in the village of Bar Hashu.

Rabba said: "A man who wishes to guard his soul (*i.e.*, a very pious man) should not soak grain on Passover." Why only a man who wishes to guard his soul? Does not the Boraitha prohibit this to all alike? Rabba means to say, that one who wishes to be pious should not even soak wheat, which is less liable to become leavened than barley. Said R. Na'hman: "One who would obey the dictates of Abba (Rabba) will be compelled to eat mouldy bread; for at R. Huna's house wheat was soaked, and also at the house of Rabha bar Abin," and Rabha said: It is a duty to soak wheat, for it is written, "Ye should observe the unleavened bread," and if it be not soaked, what would there be observed? Shall we say, the kneading should be observed; did not R. Huna say, that even with unleavened dough of a Gentile the obligation of eating Matzoth may be discharged, providing a piece of unleavened bread of the size of an olive is eaten afterwards? Thus we see that the piece of unleavened bread must be eaten afterwards and not first, because the Gentile's dough was not originally intended to serve for Matzoth. If, therefore, the baking alone should be observed, the dough could be baked for the express purpose of using it as Matzoth; the same applies to kneading the dough; hence the observing of the unleavened bread must take place

before the dough is kneaded, *i.e.*, from the time the wheat is soaked.

Whence do we know that the unleavened bread must be observed before being kneaded? Did not R. Huna say that the dough of a Gentile may be used, and a piece of unleavened bread must be eaten afterwards only because the dough was not originally intended to serve as Matzoth, but if the dough was made by the Gentile especially for that purpose, would it not be sufficient to discharge the obligation of eating Matzoth therewith?

Notwithstanding the fact that Rabha's assertion was thus refuted, he did not retract; for he said to the sheave-binders in the field: "When ye bind the sheaves, bear in mind that they are intended for the preparation of Matzoth"; whence we see that he holds that the unleavened bread must be observed from beginning to end.

The mother of Mar, the son of Rabhina, would buy her wheat for the Passover directly from the field.

It happened that a ship with a cargo of wheat was sunk in the river of Hishta. So Rabha advised that the (recovered) wheat should be sold in small lots to Israelites, in order that they could consume it before the Passover set in.

The rabbis taught: A cooking-pot must not be strewn with flour on Passover, and one who would do this should first strew the flour and then pour vinegar thereon, while according to others, the vinegar may be poured on first. Who is meant by the others? Said R. Hisda: "R. Jehudah, who holds (in Tract Sabbath), that on Sabbath spices may be put in all vessels or cooking utensils, except in such as contain vinegar, because vinegar facilitates cooking." Ula, however, said that this must not be done under any circumstances, for concerning a Nazarite it is said: "Go away! go away! Do not draw nigh unto the boundaries of the vineyard (meaning: One should avoid even such things as might appear as prohibited, lest the prohibition itself be disregarded)."

R. Papa permitted the bakers in the house of the Exilarch to strew a pot with dry flour, and Rabha would even strew his own pots with dry flour.

MISHNA: It is unlawful to put flour in Harosoth (sauce)\*

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\* Presumably a mixture of almonds, vinegar, and spice, in which food was dipped by the ancients.

or in mustard, but if this be done, it should be immediately eaten. R. Meir, however, prohibits it. The Passover sacrifice must not be boiled in any liquid or in juice of fruit; but it is permitted to moisten it (after it has been roasted), or to dip it (in a liquid when eaten). Water used by a baker (to cool his hands while kneading the dough for Matzoth) must immediately be thrown away, because it becomes leaven.

GEMARA: R. Kahana said: They differ only concerning mustard; but as for Harosoth (sauce), all agree that (if flour had been put into it) it must be burned. We have also learned to this effect in a Boraitha, viz.: "Flour must not be put into Harosoth, and if this be done the same must be immediately burned; and if it be put in mustard, R. Meir holds that it must be immediately burned, while the sages hold that it should be immediately eaten." Said R. Huna the son of R. Jehudah in the name of R. Na'hman, quoting Samuel: "The Halakha prevails according to the opinion of the sages."

Said R. Na'hman bar Itz'hak to him: "Concerning what does master hold, that the Halakha prevails according to the opinion of the sages, Harosoth or only mustard?" and he answered: "What is the difference?" Said R. Na'hman bar Itz'hak: "What about the statement of R. Kahana (just quoted)?" and he answered: "I have not heard his statement nor does it concern me."

"*The Passover sacrifice must not be boiled.*" The rabbis taught: It is written [Exod. xii. 9]: "Ye shall not eat of it raw (rare), nor in any wise sodden with water." Hence we see that it must not be boiled in *water*; but whence do we know that it must not be boiled in any other liquid? Say, that it is an *a fortiori* conclusion, for, whereas it must not be boiled in water, which does not interfere with its taste, it should not so much the more be boiled in any other liquid which might affect its taste.

Rabbi, however, said: "We infer this from the fact that it is written, 'nor in *any wise* sodden with water,' which signifies, that it must not be boiled in any liquid." Wherein do Rabbi and the rabbis differ? In a case of where the sacrifice is cooked in a pot without water. According to the rabbis it may be cooked in that manner, because no water is used nor is its taste affected, while Rabbi holds that it must not be cooked "in any wise."

What definition do the rabbis attribute to the passage "in

any wise" ? They explain according to the following Boraitha: " If a person boiled (the Passover sacrifice) and then roasted it, or first roasted and then boiled it, he is culpable." In the former case it is correct to hold the man culpable; but in the latter, if he had already roasted, what difference does it make if it was subsequently boiled ? This is not allowed, because it is written, " nor in *any wise* sodden with water."

The rabbis taught: Shall we assume, that a man would be culpable if he had boiled the sacrifice even after it had been thoroughly roasted ? Therefore it is written: " Ye shall not eat of it raw (rare), nor in any wise sodden with water." If it was rare and then sodden in water it makes a man culpable; but if it was thoroughly roasted, it does not. What is meant by thoroughly roasted ? Said R. Ashi: " If it was roasted brown."

The rabbis taught: We might assume, that if a man ate a raw piece of the Passover sacrifice of the size of an olive, he is culpable; therefore it is written: " raw, nor in any wise sodden with water;" but if not sodden with water, it does not make a man culpable. Shall we assume, then, that it may be eaten raw to commence with ? To that end it is written [ibid., ibid.]: " but roasted by the fire." What is meant by raw (rare) ? Said Rabh: " That is what the Persians call ' Abarnim ' (rare)."

R. Hisda said: " If a thing is cooked on the Sabbath in the hot waters of Tiberias it does not constitute a culpable act; but it is a culpable act to cook the Passover-sacrifice therein." What is meant by the word " culpable " in this connection ? Said R. Hyya bar R. Nathan: R. Hisda plainly said: Not culpable (for stripes) but guilty of transgressing the ordinance concerning " roasted by the fire."

Abayi said: " If a man eats the Passover-sacrifice raw (rare) he is amenable to a double punishment by stripes, the same as if he eats it cooked, and if he eats it cooked and raw he is amenable to a triple punishment by stripes, because he transgresses two distinct commandments, viz.: ' Ye shall not eat it raw ' and ' but roasted by the fire.' " Rabha, however, said: " For the violation of a negative commandment, which is derived from a positive regulation, no stripes should be inflicted. " \*

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\* Of the two statements in this paragraph, in the old edition the former is attributed to Rabha, while the latter is credited to Abayi ; but the latter statement always appears in other portions of the Talmud as the opinion of Rabha ; hence we have exchanged the places of the two names. In this we are borne out also by R. Joseph Karo in his commentary entitled " Keseph Mishna."

The rabbis taught: If a man had eaten part of the sacrifice of the size of an olive, raw, while it was yet day on the eve of Passover, he is not culpable, but if it had already become dark, he is guilty. If he had eaten a part of the sacrifice of the size of an olive, roasted, while it was yet day, he did not exclude himself from the company with whom he had combined for the sacrifice. If he had eaten the same, however, when it had become dark, he did exclude himself from the others.

The rabbis taught: "If he had eaten a roasted piece of the sacrifice while it was yet day on the eve of Passover, and a piece the size of an olive, raw, when it was already become dusk, he is culpable for both acts; because the roasted is held to be equal to the raw (*i.e.*, as he may eat the roasted only at night, he must not eat it during the day)." It is right, the act of eating a raw piece of the sacrifice is a culpable one, for the reason that it is expressly written: "Ye shall not eat it raw"; but as for the roasted sacrifice, it is written: "Ye shall eat it only at night," and from this it may be inferred that it should not be eaten during the day; hence it is a negative commandment derived from a positive, and it is known that the violation of such a commandment is only equal to the violation of a positive commandment? Said R. Hisda: "This is in accordance with the opinion of R. Jehudah, who maintains that even for the violation of such a commandment, punishment may be inflicted.\*"

"*Water used by a baker must immediately be thrown away,*" etc. In one Boraitha we have learned, that the water must be thrown where it will run down, but not in a pit, where it will accumulate; while in another Boraitha we have learned, that it may even be poured into a pit. This presents no difficulty. The former Boraitha treats of a case where there is a large quantity of water, while the latter treats of a small quantity which is absorbed by the soil of the pit.

R. Jehudah said: A woman should not knead dough (on Passover) except with water "Shelanu."† R. Mathna repeated the same words in Papunia. On the morrow, all of the inhabitants came to him with jugs in their hands and begged him for water (thinking that the word "Shelanu" meant "our" and that he had the necessary water), whereupon he answered

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\* This will be explained in Tract Tamurah, Chap. I.

† "Shelanu" has a twofold meaning. The more general definition is "our" or "of us," and the other, which is more seldom used, is "which has remained over night." See Appendix at the end of this Tract.

them: "I meant with water that had remained over night (debithu)."

Rabh preached: "A woman should not knead her dough in the glare of the sun, nor with water that had been heated by the sun. Also not with water that had been left over in a Muliar (teakettle), and should not remove her hands in general from the oven, until her bread is baked. She also requires two vessels filled with water. One to cool off her hands when kneading and the other to moisten her dough before putting it into the oven."

The schoolmen propounded a question: "What is the law if a woman did knead her dough with such water (as thou hast prohibited)?" Said Mar Zutra: "The bread will be lawful," while R. Ashi maintained that "it will *not* be fit for use." Said Mar Zutra: "Whence do I adduce my opinion? From the previous Boraitha, which teaches that, while it is not allowed to soak grain in water, if this was done, it does not make a man culpable unless the grain fell asunder," and R. Ashi replied: "Are all threads woven in the same (woof)? Where this was explicitly taught, it remains so, but where it was not taught, it is not so."

## CHAPTER III.

### REGULATIONS CONCERNING ARTICLES WHICH CAUSE TRANSGRESSION OF THE LAW PROHIBITING LEAVEN TO BE SEEN OR FOUND IN THE HOUSE OF AN ISRAELITE.

MISHNA: The law (prohibiting leaven to be seen or found in the house) on Passover is transgressed by the following articles: Babylonian Kuthach,\* Median beer (made of wheat or barley), Edomite vinegar (made by the fermentation of barley and wine), Egyptian zeethum,† the dough of bran used by dyers, the dough used by cooks,‡ and the paste used by scribes (to paste the sheets of paper together). R. Eliezer says, also the ornaments used by women. This is the general rule: What is composed of any kind of grain can cause a transgression of the law of Passover, and they that become guilty of such a transgression incur the penalty attached to the transgression of a negative commandment§ (*i.e.*, a commandment commencing with "thou shalt not"); but not the penalty of Kareth (being cut off).

GEMARA: The rabbis taught: "Three things were said in reference to Babylonian Kuthach: It depresses the heart, blinds the eyes, and makes the body lean. It depresses the heart on account of the whey contained therein, it blinds the eyes on account of the salt, and makes the body lean on account of the mould (on the bread)."

They also taught the three things which cause much waste (in Tract Erubin, page 171).

They also taught: "Three things lessen waste, make the body erect, and increase the light of the eyes, and they are: Bread made of fine meal, fat flesh of a virgin she-goat, and

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\* This is explained to be a mixture of mouldy bread with milk and salt, used as a sauce for food.

† According to the Talmud, this is a mixture of barley, salt, and wild saffron, while according to Pliny, who calls it "zythum," it is a medicine of Egyptian origin.

‡ A dough used to attract the impurities in a pot where food is boiling.

§ The penalty for such transgression is chastisement with thirty-nine stripes.



three-year-old wine. As a general thing, all things that are good for the eyes affect the heart and other parts of the body, while those that are good for the heart affect the eyes, excepting moist ginger\* and pepper-pods and the three things mentioned above."

Median beer and Edomite vinegar are prohibited, because they are both made of barley.

What is Egyptian zeethum? R. Joseph taught: "A mixture of equal parts of barley, salt, and wild saffron," but R. Papa substitutes wheat for barley. The ingredients of this mixture are soaked, then parched over the fire, and afterwards ground. (When the liquid is fermented) it is usually drunk from Passover to Pentecost. One who is constipated is relieved thereby, and diarrhœa is stopped. For a sick person or a pregnant woman it is a dangerous beverage.

"*The dough of bran used by dyers,*" etc. This was explained to mean water of bran used to remove spots on the chest. (This is according to the explanation of Rashi in Tract Chulin and of Maimonides.)

"*The dough used by cooks,*" etc. This is explained to mean dough made of grain which had only been one-third mature, and when kneaded into dough and placed over a boiling pot of victuals would attract all the impurities in the pot.

"*Paste used by scribes.*" This was explained to mean glue; but R. Shimi of Huzana said, that this is a cosmetic used by the daughters of rich men for the hair, and the reason it is called "paste used by scribes" is, because the rich women would leave it for the use of the daughters of the poor scribes, and he does not concur in the opinion that it means glue, because it would in that event be called "paste used by shoemakers." Said R. Oshiya: "It is glue, and the reason it is called 'paste used by scribes' is because scribes also paste their sheets together therewith."

"*R. Eliezer says also ornaments of women.*" What connection have ornaments with the Passover? Read instead of ornaments, paste used by women to adorn themselves, as R. Jehudah said in the name of Rabh: The daughters of Israel who have not yet attained the age of puberty, but have all the signs thereof, are ashamed in consequence, and the poor conceal those

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\* The Hebrew term which we render with ginger is Zangbila, and according to other versions it is supposed to be sandal-wood.

signs with chalk, the rich with fine meal, and daughters of princes with oil of myrrh, as is written in Esther ii. 12.

"*This is the general rule,*" etc. Said R. Jehoshua: If the general rule was made that all things which are composed of any kind of grain cause a transgression of the law of Passover, what need was there of enumerating all the articles mentioned in the Mishna? This was done in order to acquaint the people with the names of those articles in order that they might not commit an error, as it happened that a Palestinian came to Babylon, and having some meat in his possession asked for something to eat with the meat. He heard his host order that he be given Kuthach, and having heard the name Kuthach he refused to accept it.

*They that become guilty, etc., incur the penalty attached to the transgression of a negative commandment.* Who is the Tana who holds that suitable leaven combined with other ingredients, and unfit leaven by itself, also comes under the prohibition of the negative commandment? R. Jehudah said in the name of Rabh: "That is R. Meir," and R. Na'hman said: "It is R. Eliezer," as we have learned in a Boraitha: "For the transgression of the law with leaven of suitable grain the penalty is Kareth; but if combined with other ingredients the penalty is that attached to the transgression of a negative commandment. Such is the decree of R. Eliezer; the sages, however, maintain that with leaven proper the penalty is Kareth; but if combined with other ingredients no penalty whatever is incurred." Now, if R. Eliezer holds that the penalty for using leaven combined with other ingredients is the same as that attached to the transgression of a negative commandment, so much the more would the use of leaven itself, even if it be unfit, make one incur the same penalty.

We have learned a Boraitha in accordance with R. Jehudah: It is written [Exod. xii. 20]: "Nothing that is leavened shall ye eat," which means to include Babylonian Kuthach, Median beer, Egyptian zeethum, and Edomite vinegar. Shall we assume that these articles, if used, would make a man incur the penalty of Kareth? To that end it is written [ibid. 15]: "Whosoever eateth *leavened bread*, that soul shall be cut off," whence we infer, that only one who eats leavened bread made of suitable grain incurs the penalty of Kareth; but one who eats such as is combined with other ingredients only incurs the penalty attached to the transgression of a negative commandment. Now, then, who

is the Tana who holds that the use of leaven combined with other ingredients make one incur the penalty attached to the transgression of a negative commandment? R. Eliezer; but we do not learn that he classes unfit leaven in the same category as that of mixed leaven, and for the simple reason that he does not consider the use of unfit leaven a violation of the law. (Hence the Tana who also holds the use of unfit leaven to constitute a transgression of the law is R. Meir.)

Whence does R. Eliezer adduce that the use of leaven combined with the other ingredients constitutes a transgression of the law? From the passage, "Nothing that is leavened shall ye eat," and he means to say that "nothing" includes also leaven combined with the ingredients. How will he explain the "whosoever" \* in the other passage [Exod. xii. 15]? That includes women, who must also not eat leavened bread on Passover.

Did not R. Jehudah in the name of Rabh say, that women are held to be equal to men as far as all prohibitory laws are concerned, on account of the passage [Numbers v. 6]: "If any man or woman commit any sin"? In this case a special passage prohibiting the eating of leavened bread by women is essential, for the following reason: The negative commandment prohibiting the eating of leavened bread and the positive ordaining the eating of unleavened bread [Deut. xvi. 3] being written together, we might assume that only those who are obliged to eat Matzoth must not eat Chometz; and as the women are not obliged to eat Matzoth, because the positive commandment ordaining the eating of Matzoth is dependent upon the time,† we might assume that women may eat Chometz; hence we are told by the passage, "Whosoever eateth leavened bread, etc., shall be cut off."

Now, if we have arrived at the conclusion that women must not eat Chometz, we may add, that they are also obliged to eat Matzoth, and this is in accordance with the opinion of R. Eliezer, who said, that women are *biblically* obliged to eat Matzoth; because the negative and positive commandments are consequent one upon the other, I say, that as they must observe

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\* Both passages quoted contain the word "Kol," Hebrew for "all"; and the passages should read: "All that is leavened shall ye not eat" and "All who eat leavened bread shall be cut off," etc. Hence the analogous comparison made in the above paragraph.

† *Vide* page 71.

the negative commandment prohibiting the eating of Chometz, so must they also observe the positive commandment ordaining the eating of Matzoth.

Why is it adduced that the "all" (Kol) in the passage means to include women and to exclude leaven combined with other ingredients? Say, that the "all" also means to include leaven combined with other ingredients. Common sense precludes this supposition; because the passage refers to those who had eaten; hence if anything should be included, it must be that which is also capable of being eaten, but not things that are eaten, as leaven combined with other ingredients.

MISHNA: Should there be any dough in the (holes or) crevices of a kneading-trough, and there is as much as the size of an olive in any one place, it must be removed immediately; but if there be less than that quantity in any one place, it may be considered as not in existence, being so inconsiderable. Thus it is also with respect to defilement: If the owner, however, be particular about the dough, it constitutes an intervention (between the trough and possible defilement, and the trough is not rendered defiled); but if it is desired to leave the dough in the trough, it should be considered as an integral part of the trough.

GEMARA: "*If there be less than that quantity,*" etc. Said R. Jehudah in the name of Samuel: "This applies to a case where the dough was placed in the crevice of the trough in order to strengthen the trough; but if it is not there for that purpose it must be forthwith removed." Whence we infer, that even if there was a piece of the size of an olive in the crevice of a trough for the purpose of strengthening it, it must also be removed. We have learned to this effect in a Boraitha:

Dough which was placed in the crevices of a kneading-trough for the purpose of strengthening it does not constitute an intervention to defilement nor a transgression of the law of Passover; but if it be found in places where it was not necessary, in order to make the trough firmer, it *does* constitute an intervention and *does* cause a transgression of the law. All this is said of dough which was less than the size of an olive; but if it was of that size, even if it was used to make the trough firmer, it must forthwith be removed.

Said R. Na'hman in the name of Samuel: "If there were two pieces of dough each the size of half an olive in the trough and happened to be connected with a thread, they are considered

as a whole olive, provided when the thread is lifted both pieces are carried with it, otherwise they are not and may remain in the trough." Said Ula: " This applies to dough situated in the trough; but if the two pieces were not in a trough but in the house, and being connected by a thread would not be carried with the thread, if lifted, they must nevertheless forthwith be removed, lest they in some manner become joined and there will be leaven in the house to the size of an olive."

The rabbis taught: If bread had become mouldy and while unfit for a human being could be eaten by a dog, it is subject to defilement as long as it is of the size of an egg, and may be burned together with unclean things on Passover, even though it be itself clean (heave-offering). Upon the authority of R. Nathan it was said, however, that not being fit for a human being it cannot be subject to defilement.

The rabbis taught: If in a trough of the tanners flour had been put within the three days preceding the Passover, it should be removed; but if it had been placed prior to that time, it need not be removed. This is said of a case where no skins had been placed in the trough by the tanner; but if this had been done, even flour placed in the trough during the three days need not be removed. Said Rabha: " The Halakha prevails according to R. Nathan, and even if the flour was put in one day, yea, even one hour before Passover, it need not be removed."

" *If the owner, however, be particular about the dough,*" etc. How can defilement be compared to the laws of Passover. Concerning the latter it depends entirely upon the size, while as for the former, it depends upon whether the owner is particular about it or not? Said R. Papa: The Mishna should be explained thus: " So it is also with respect to defilement *on Passover*, if it be of the size prescribed on that festival; and ' if the owner be particular,' etc., refers to any other time of the year." How should this be understood? In this wise: If a reptile contaminated such dough on the Passover, and the dough, being of the size of an olive, is for the time being a prohibited thing; hence it serves as an intervention between the uncleanness (of the reptile) and the trough; but at any other time it depends whether the owner is particular about it or not. If he is, it proves an intervention; but if he intends to leave it in the trough, it does not.

MISHNA: Dull dough (which does not exhibit any signs of having risen) must not be used, if another dough which had been

kneaded at the same time and was of equal size and quality had already become leavened.

GEMARA: How is it if there is no other dough on hand (with which to compare the dull dough)? Said R. Abuhai in the name of Resh Lakish: "If it had lain the length of time it is required to walk from the tower of Nunia to Tiberias," which is a mile.

MISHNA: How can the first of the dough (due the priest) be separated on the Passover when it had become unclean? R. Eliezer says: "It should only be named after it had been baked." Ben Bathyra says, however, "It should be put in cold water." Said R. Jehudah to him: "This is not the leaven concerning which it is written, 'It shall not be seen nor found in thy house.' Therefore it may be separated, and left lying until evening, regardless of whether it become leavened or not."

GEMARA: It was taught: He who bakes on a festival for the coming week-days, R. Hisda says, incurs the penalty of stripes; but Rabba says, that he does not. R. Hisda says, that he incurs that penalty because he does not admit of the supposition that, had the man called guests, he could have consumed the entire quantity baked, while Rabba holds, that *because* this could have been done (whether it was done or not) the man is not culpable.

Said Rabba to R. Hisda: "If thou dost not admit of this supposition, how then can it be allowed to cook on a festival for the Sabbath?" and R. Hisda answered: "By means of the Erub of cooked things." \* "May, then, a biblical prohibition be disregarded even by means of such an Erub?" queried Rabba, and R. Hisda replied: "Cooking on a festival for the Sabbath is, according to biblical law, permissible, and the sages only prohibited it as a precautionary measure, lest some people would cook on a festival for week-days. Hence an Erub of cooked things is a sign that this must not be done."

Rabba objected: "We have learned: 'An animal which is supposed to be in danger of dying must not be slaughtered on a festival, unless there will be sufficient time after the slaughtering to roast and eat a piece of the size of an olive.' Thus we see, that there must be sufficient time to roast and eat a piece of that size, even if the man have no desire to eat it. According to my opinion, from the fact that I admit of the supposition

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\* See introduction to Tract Erubin.

that he could eat it, the man is allowed to slaughter the animal; but according to thy opinion, if thou dost not admit of such a supposition, how can the man be allowed to slaughter the dying animal?" R. Hisda replied: "In this case, where a pecuniary injury would have resulted, the prohibition was removed," and Rabba rejoined: "Will, then, a biblical prohibition be disregarded on account of a pecuniary injury?" "Yea," answered R. Hisda; "on account of such pecuniary injury the man would make up his mind to eat a piece of that animal of the size of an olive, and as he cannot do this unless the animal is ritually slaughtered, it is permitted to slaughter it."

Said Rami bar Hama: "The same point of difference as was quoted between R. Hisda and Rabba exists between R. Eliezer and R. Jehoshua. R. Eliezer admits of the supposition (that a certain act was done whether it was done or not); therefore he decrees, that the dough should first be baked and then named; because he holds that while the man is baking for himself he can bake for another also. R. Jehoshua does not admit of such a supposition and hence decrees, that the first of the dough should be separated before baking."

Rejoined R. Papa: "(How canst thou say of a certainty that R. Eliezer and R. Jehoshua differ concerning this supposition?) Perhaps R. Eliezer only admits of the supposition in a case of where a man, when baking each loaf of bread, may do so for himself alone (and afterwards separate a piece of a loaf as the legal first dough for all, which would not involve much labor); but as for the instance cited in the controversy between R. Hisda and Rabba, where it was an impossibility to consume the bread baked on a festival for the week-days without calling guests, and the supposition is, that guests were called, it may be that R. Eliezer in that case does not admit of such a supposition." Said R. Shesha the son of R. Idi: "Perhaps the argument may be reversed, namely: 'In the case of loaves subject to the legal first of the dough, where it is a certainty that one of the loaves must not be used by the owner nor by anybody else, R. Jehoshua does not admit of the supposition, whereas in the point of controversy between R. Hisda and Rabba, where all the loaves baked may be eaten, if not by the man himself by guests, R. Jehoshua *may* admit of the supposition (that guests were called).'"

The sages related the above to R. Jeremiah and R. Zera. R. Jeremiah accepted (the view of Rami bar Hama); but R.

Zera would not. Said R. Jeremiah to the latter: "Should the decision of a question which for such a length of time remained unanswered and was finally decided by so great a man as Rami bar Hama, not be accepted by us?" and he answered: How can I accept it? Have we not learned in a Boraitha that R. Jehoshua said to R. Eliezer: "According to thy decree permitting the baking of the dough and the subsequent naming thereof, would the man not be culpable of transgressing the law contained in the passage [Exod. xii. 16], 'No manner of work shall be done on them (the festival-days),' and R. Eliezer did not reply. Should he not have said: 'My reason is based upon "supposition"?' " Rejoined R. Jeremiah: "And according to thy opinion, does the teaching in another Boraitha, that R. Eliezer said to R. Jehoshua: Will not, according to thy decree, a man be culpable for the transgression of the law, 'It shall not be seen nor found in thy house,' and the failure of R. Jehoshua to answer, prove that he could make no reply to the query? Is it not answered in the Mishna by 'this is not the leaven referred to by that passage'? Hence the former Boraitha brings only the question, but not the answer, and the answer may be found elsewhere."

We have learned in a Boraitha: Rabbi said: "The Halakha prevails according to R. Eliezer," and R. Itz'hak said: "The Halakha prevails according to Ben Bathyra."

How much must the quantity of the dough under discussion be? Said R. Ishmael the son of R. Johanan ben Berokah: "If made of wheat it must be two Kabh, but if made of barley three Kabh." Did we not learn in another Boraitha that the same R. Ishmael said: "If made of wheat, three Kabh, and if made of barley four?" This presents no difficulty. One Boraitha treats of good grain and the other of poor grain.

Rabh said: "The measure of dough to be prepared on Passover is a Kabh as used in Lugan, and the same measure applies to a dough of which legal first must be acquitted (to the priests)."

Have we not learned in a Mishna, however, that a trifle over five quarters of meal (equal to five lugs as used in Sepphoris and to seven lugs and a trifle over as used in the desert, which in turn equalled an Omer) are subject to the first of the dough? A Kabh of Lugan contains about the same quantity.

Said R. Joseph: "Our wives bake bread in small quantities on the Passover, not over three lugs of meal at a time," and



Abayi remarked: "Thou wouldst suppose that they do this in order to observe the more rigorous interpretation of the Passover law? However, a more lenient ordinance is thereby observed, namely: They thus become exempt from the duty of acquitting the first of the dough," and R. Joseph replied: "Nay; they do this in accordance with the opinion of R. Eliezer, who said in a Mishna elsewhere, that the basket wherein the loaves are deposited combine the quantities, and they acquit themselves of the duty of the first of the dough from the combined quantity of loaves, and R. Jehudah said in the name of Samuel, that the Halakha prevails according to R. Eliezer."

MISHNA: Rabbon Gamaliel says: "Three women may knead dough on the Passover at the same time and bake it in the same oven, one after the other"; but the sages say: "Three women may occupy themselves with their dough, but in the following manner: one should knead the dough, another form it, and the third bake it." R. Aqiba said: "Not all women, nor all wood, nor all ovens are alike." This is the rule: as soon as the dough rises, let the woman plunge her hand in cold water (in order to moisten the dough).

GEMARA: The rabbis taught: The same woman who kneads should also moisten the dough, and the one next to her should then take up the kneading; while the former is baking the latter should moisten the dough, and the third woman should take up kneading. Thus the first woman will commence kneading while the last is moistening the dough, and so on in rotation. The principle thereof is, that so long as the dough is being handled it does not become leavened.

"*R. Aqiba says*," etc. We have learned in a Boraitha: "R. Aqiba said: I argued thus before Rabbon Gamaliel: 'Let our Master teach us whether skilled or inexperienced women are meant; whether dry or damp wood is spoken of; whether a heated or a cooled stove is under consideration,' and he answered: 'We need only follow the teachings of the sages (and not concern ourselves as to details), but this bear in mind as the rule: As soon as the dough rises, let the woman moisten the dough.'"

MISHNA: Dough which commences to become leavened must be burned; but the person who had eaten it does not incur the penalty of Kareth (being cut off). Dough which becomes riven must be burned, and whosoever eats it incurs the penalty of Kareth. When is a dough considered as about to become

leavened? When small rents can be observed, standing apart in different directions like the feelers of locusts. When is a dough to be considered riven? When the rents cross each other; such is the dictum of R. Jehudah, but the sages say: Whoever eats either kind of dough incurs the penalty of Kareth. When is a dough considered about to become leavened? When (no rents are visible, but) its surface becomes pale like the face of a person whose hair stands on end (through fright).

GEMARA: The rabbis taught: What is called dough about to become leavened? If its surface becomes pale as the face of a man whose hair stands on end. What is called riven dough? If there are rents visible, standing apart like the feelers of a locust. Such is the dictum of R. Meir; the sages, however, maintain: When the rents standing apart like the feelers of a locust are visible, the dough is considered about to become leavened, and when the rents cross each other, the dough is considered riven. Whosoever eats either kind incurs the penalty of Kareth. Have we not learned in our Mishna that dough about to become leavened must be burned, but one who eats it does not incur that penalty and that such is the decree of R. Jehudah? The Mishna should be supplemented with the statement: According to R. Meir, whosoever eats either kind incurs the penalty of Kareth.

Said Rabha: "What reason has R. Meir for his decree?" According to R. Meir, there can be no rents on the surface, even if they stand apart like the feelers of locusts, that have not many rents underneath which may even cross each other.

MISHNA: If the fourteenth (of Nissan) fall on the Sabbath, all leaven must be removed *before* the Sabbath commences. Such is the dictum of R. Meir; but the sages say that it should be done at the proper time. R. Elazer\* ben Zadok says: "The heave-offering must be removed before the Sabbath, and non-consecrated things at the proper time."

GEMARA: We have learned in a Boraitha: R. Elazer ben Zadok said: "Once my father spent the Sabbath in Yemen (Yamnia), and that Sabbath being the fourteenth (of Nissan), Zunin, the supervisor of R. Gamaliel's household, came and said: 'It is time to remove the leaven.' So I went with my father, and we removed the leaven."

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\* According to Strack, referring to Frankl, Brill, and Bacher. But Heilpern in his Seder Hadoreth and Mielziner in his introduction to the Talmud, Eliezer.

**MISHNA:** If a man (on the 14th of Nissan) went to slaughter his Passover sacrifice, or to circumcise his son, or to eat the betrothal-meal at the house of his father-in-law, and on the road recollects that he has left leaven in his house: if he can return home, remove it, and then go back and accomplish any of the acts mentioned, he should do so and remove the leaven; but if he cannot, he should in his mind renounce (the use of the leaven). If his object in leaving home was to aid persons to escape from armed foes, from inundation, robbers, or fire, or to rescue persons from beneath the ruins of fallen buildings, he should in his mind renounce the leaven; but if his object in leaving home was to secure his sabbatical resting-place for his private purposes (in order to obtain his right to the legal limits), he must immediately return and remove the leaven. Likewise, if a person on leaving Jerusalem remembers having in his possession consecrated flesh: if he had gone beyond (the hill) Zophim, he may burn it wherever he may be; but if he had not gone beyond it, he must return and burn it before the sanctuary, with wood of the altar. What is the quantity (of consecrated flesh or leaven) which makes it obligatory for a man to return? R. Meir says: "Either must be of the size of an egg." R. Jehudah says: "Of the size of an olive"; but the sages say: "Consecrated flesh if of the size of an olive and leaven if of the size of an egg."

**GEMARA:** There is a contradiction: (We have learned): "One who goes to eat the betrothal-meal at the house of his father-in-law or to secure his sabbatical resting-place for his private purposes, should, if he remembered having leaven in his house, return immediately and remove it." Said R. Hisda: "The point of difference between this teaching and the Mishna is only concerning the second meal (after the betrothal); but as for the first, all agree, that it is a religious duty and the man need not return."

We have learned in a Boraitha: "R. Jehudah said: 'I only heard concerning the actual betrothal-meal, but not concerning the meal at which the bridal gifts are bestowed.' Said R. Jose to him: 'I heard concerning both.'"

We have learned in a Boraitha: R. Simeon said: "A meal which is not served on account of some religious duty should not be enjoyed by a Talmud-chacham (scholar)." What kind of a meal is referred to as not being served on account of a religious duty? Said R. Johanan: "The betrothal-meal served

when an ordinary Israelite weds the daughter of a priest, or when a common person weds the daughter of a Talmud-chacham (scholar)"; for R. Johanan would always maintain, that such alliances do not end well. This is not so! Did not R. Johanan say elsewhere, that he who would become rich should ally himself to the descendants of Aaron, when the union of prestige and learning will make him rich? This presents no difficulty. For a scholar it is beneficial to wed a priest's daughter, but not for one of the common people.

R. Jehoshua wedded the daughter of a priest. Subsequently he became ill, and said: "Is then Aaron not contented to have his descendants receive me as a son-in-law?"

R. Idi bar Abhin also wedded a priest's daughter, and they brought forth two sons, both of whom were admitted to fellowship (*i.e.*, were entitled to be ranked as rabbis). They were R. Shesheth and R. Jehoshua.

R. Papa said: "If I had not wedded a priest's daughter I should never have become rich;" but R. Kahana said: "If I had not married a priest's daughter I should never have gone into exile";\* and he was asked: "What hast thou suffered thereby; didst thou not flee to a place of learning?" and he answered: "I did not go into exile voluntarily (to improve my learning or to better my condition), but was compelled to flee from the persecution of the government."

R. Itz'hak said: "One who enjoys a meal which is not served for the sake of a religious duty finally incurs the penalty of exile, as it is written [Amos vi. 4]: 'That eat lambs out of the flock, and calves out of the midst of the stall,' and further, it is said [ibid. 7]: 'Therefore now shall they go into exile.'"

The rabbis taught: "A scholar who indulges in too many meals destroys his home, makes his wife a widow, his children orphans, his knowledge vanishes; he becomes involved in strife, his words are disregarded, he profanes the name of Heaven, puts to shame the name of his teacher and the name of his father, and leaves behind him an ill-repute for himself, and his children unto the end of his generations."

The rabbis taught: "A man should sell all his possessions and wed the daughter of a scholar; for should he die or be forced to go into exile he will be assured that his sons will be scholars, and he should not wed a daughter of the common people; for

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\* R. Kahana was forced to flee from Babylon to Palestine.

should he die or be forced to go into exile, his children will be common persons."

The rabbis taught: "A man should sell all his possessions in order to secure a scholar as a husband for his daughter. This can be compared to grapes which are planted among other grapes in a vineyard, where they are readily assimilated and present a good appearance. If, however, a common person is secured as a husband, it is like planting grapes among thorns, where they cannot thrive."

The rabbis taught: "A man should sell all his possessions and secure the daughter of a scholar for a wife, and if he cannot secure the daughter of a scholar he should try to obtain a daughter of one of the most prominent men of the age. If he cannot succeed in that, he should endeavor to obtain a daughter of the most prominent men in his community; and failing in that, should seek the daughter of a man known to be charitable; and if he cannot succeed even in this, he should try and obtain the daughter of a teacher of children; only should he avoid wedding the daughter of a common person."

We have learned in a Boraitha: R. Aqiba said: When I was still a common (ignorant) man, I used to say: "If I could lay my hands on a scholar I would bite him like an ass," and his disciples said to him: "Rabbi, say 'like a dog,' an ass does not bite," and he replied: "When an ass bites he generally breaks the bones of his victim, while a dog only bites the flesh."

We have learned in a Boraitha: R. Meir said: "One who gives his daughter to a common person virtually casts her to a lion; for as a lion tears and devours his victim without shame, so does a common person beat his wife, then they come together again and he is not ashamed."

We have learned in a Boraitha: R. Eliezer said: "If the common people did not require us for their own welfare, they would slay us."

R. Hyya taught: "A man who occupies himself with the study of the Law in the presence of a common person evokes as much hatred from that person as if he had stolen his bride. As it is written [Deut. xxxiii. 4]: "The law which Moses commanded us is the inheritance of the congregation of Jacob." Do not read *מורשה* (inheritance), but *מאורסה* (betrothed). For the enmity of a common person toward a scholar is even more intense than that of the heathens towards Israelites, and that of their wives even greater than their own. A Boraitha

stated: That whosoever was at first a scholar and then resigned his studies, and became a common man, is even worse than if he were entirely ignorant.

"*If a person on leaving Jerusalem,*" etc.: We have learned in a Boraitha: R. Nathan said: "The quantity for either (the consecrated flesh or leaven) must be the size of two eggs"; but the sages did not coincide with him.

It is written [Zechariah xiv. 6]: "And it shall come to pass on that day, that there shall be no light, but fleeting light and thick darkness." What is meant by "fleeting light and thick darkness"? He means to point out, that what is considered a strong light in this world is nothing but fleeting light in the world to come. So said R. Elazar; but R. Jehoshua ben Levi said: "The passage means to state, that those men who are considered enlightened in this world are enveloped in darkness in the world to come," as it happened that R. Jose the son of R. Jehoshua ben Levi once fell in a trance, and upon awakening was asked by his father what he had seen while in his apparently lifeless state, and he answered: "I saw a reversed world: Those who are at the head in this world were at the bottom there, and those who are at the bottom here were at the head there." And his father said to him: "My child, thou hast seen the right world! But how do we scholars appear there?" and R. Jose replied: "We are on the same footing there as we are here. I also heard it said there: Well is to the man who hath brought his learning with him, and further, it was said: The place of those who had suffered death (had been martyrs) for the glory of God cannot be entered by any other man." Does this refer to R. Aqiba and his companions? Were they accorded that place merely because they were martyrs; did they then possess no other merits? Therefore this must refer to the two brothers who sacrificed themselves at Lud (Lydda).\*

It is written [Zechariah xiv. 9]: "And the Lord will be king over all the earth; on that day shall the Lord be (acknowledged) one, and His name be one." What is meant by "on that day"? Is He not *one* even *to-day*? Said R. A'ha bar Hanina: "This world is not like the world to come. In this world, when

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\* It is related in Tract Taanith that a daughter of a prince in that city having been murdered, the crime was attributed to all the Israelites, when, in order to save their co-religionists, who were innocent of the crime, two brothers went up and confessed that they had committed the murder (although they were also innocent), thus shielding their brethren from persecution.—RASHI.

good tidings are received, a man says: 'Blessed be He who is good and doth good to others,' and the recipient of bad tidings says: 'Blessed be He who judgeth in truth'; but in the world to come the first benediction only will be pronounced, for there shall be no more bad tidings." Why is it said: "His name shall be one," is His name not *one* even to-day? Said R. Na'hman bar Itz'hak: "Not as this world is the world to come. In this world the Name is written Yahveh and pronounced Adonai, while in the world to come it will be pronounced as it is written."

Rabha wished to preach concerning the name of Yahveh from the pulpit; so a certain elder said to him: "In the passage [Exod. iii. 15] where it is written: 'This is my name forever,' the word Olam, which when written Ayin, Vav, Lamed, Mem, means 'forever,' is written in that passage Ayin, Lamed, Mem, which also signifies 'concealed.' Hence the name of the Lord should be concealed and not openly discussed."

R. Abbini propounded a contradictory question about the same passage: In the first part it says: "This is my name Leolam (concealed)," and in the last part it says, "This is my memorial unto all generations"? And he answered: So said the Holy One, blessed be He: Not as I (my name) am written shall I also be pronounced. I am written Yahveh and am pronounced Adonai.

## CHAPTER IV.

REGULATIONS CONCERNING WORK WHICH MAY AND SUCH AS MUST  
NOT BE PERFORMED ON THE DAY PRECEDING THE FESTIVAL OF  
PASSOVER.

MISHNA: In places where it is customary to work till noon on the day preceding the Passover, work may be done; but not in places where it is not customary to work on that day. If a person should go from a place where the said custom prevails to another place where it does not, or the reverse, he is subject to the rigor of the custom, either of the place he came from or of that to which he went. Thus it is always proper not to act differently from the established customs of a place, on account of the disputes to which such conduct may lead.

Likewise, when a person brings fruit of the sabbatical year from a place where it is no longer to be found in the fields (and in consequence must not even be kept in the house), to another place where it is still to be found in the field (and may be kept in the house), or the reverse, he is obliged to remove the same. R. Jehudah, however, says: "Such a person may be told to go and fetch for himself similar fruit, and eat."

GEMARA: Why does the Mishna particularly mention the day preceding the *Passover*? is it not a fact that no work may be performed after the Minchah prayer on the day preceding a Sabbath or any other festival? for have we not learned in a Boraitha, that "whoever performs any work after the Minchah prayer on the day preceding a Sabbath or a festival shall find no blessing for his work"? The Boraitha only states that he shall find no blessing for his work, but not that he should be put under a ban; while a man who performs work after the Minchah prayer on the day preceding the Passover (in places where it is not customary to do so) may be put under a ban.

The text of the Boraitha states further: "One who performs work after the Minchah prayer on the day preceding a Sabbath or a festival, or on the night when the Sabbath or a festival has drawn to a close, or on the night following the Day of Atone-



ment, or at any time when there can be the faintest suggestion of a transgression, as for instance on a day which had been designated as a fast-day for the sake of (praying for) rain, shall find no blessing for his work."

Rabha propounded a contradictory question: "It is written [Psalms lvii. 11]: 'For great, even *unto* the heavens, is thy kindness,' and further, it is said [ibid. cviii. 5]: 'Be thou exalted *above* the heavens, O God.' How can the two passages correspond?" The inference is, that the first passage refers to one who fulfils a religious commandment, because it is customary to do so and his parents before him did so, while to one who fulfils such a commandment for the honor of the Lord, the kindness of God is manifested even higher than the heavens, and this is in accordance with R. Jehudah's opinion, who said in the name of Rabh: "A man should always occupy himself with the Law and with religious duties, even if he bear not in mind always that he does so for the honor of God; for thereby he becomes accustomed to doing thus, and it will eventually be for the honor of the Lord."

The rabbis taught: "He who depends upon the earnings of his wife or upon the proceeds of a hand-mill will never perceive the sign of a blessing." What is meant by the earnings of his wife? If his wife go about with scales, relying upon others to use them and pay for their use. The same applies to the proceeds of a hand-mill: if he rely upon others to use it and pay for its use. If, however, he use the hand-mill himself for the obtainment of his sustenance, or if his wife is actually engaged in traffic, he may even be proud of her, for it is written [Proverbs xxxi. 24]: "Fine tunics she maketh, and selleth them."

The rabbis taught: "From the proceeds of four professions one can never perceive a sign of blessing, and they are: the professions of the scribes, the criers, those who earn their money from orphans, and the men who carry on their traffic at sea." The reason the criers perceive no blessing for their work is because their work (of repeating the words of the rabbis) is generally done on the Sabbath, and those who earn their money from orphans perceive no blessing because they cannot be forgiven if they take the least advantage of orphans; the reason the men who carry on their traffic at sea see no blessing for their work is because a miracle does not occur every day (that a ship should reach port in perfect safety); but why should this also apply to scribes? Said R. Jehoshua ben Levi: "Twenty-four

days the members of the Great Assembly fasted and prayed that the scribes of Scrolls, Tephilin, and Mezuzoth should not become wealthy; for if they did, they would not write any more."

The rabbis taught: The scribes, who write Scrolls, Tephilin, and Mezuzoth; those that deal in them, and those that sell them to the people, and all those who occupy themselves with religious works, even those who sell the blue wool for the show threads, do not perceive any blessing for their work. If, however, they occupy themselves with such work in honor of the Lord (not for gain) they will perceive the blessing.

It was the custom of the inhabitants of Baishan never to go from Tyre to Zidon on the day preceding Sabbath. Their descendants came to R. Johanan and said: "Our fathers could afford to dispense with that journey, because traffic was better in their days; but we cannot. What shall we do?" and he answered: "From the fact that your ancestors already took it upon themselves not to do this, ye cannot act differently, as it is written [Proverbs vi. 20]: 'Keep, O my son, the commandment of thy father, and reject not the teaching of thy mother.'"

The inhabitants of Huzai were wont to separate the legal first dough (due to priests) from rice. This was told to R. Joseph, and he said: "Let an ordinary Israelite take that separated first dough and eat it before their very eyes." Abayi objected: "We have learned: Such acts as are permissible but were regarded as prohibited by some people must not be committed in the presence of such people," and R. Joseph replied: "Was it not reported that R. Chisda said that this refers only to Samaritans?" Why must this not be done in the presence of Samaritans? Because they would take advantage of it and commit acts that are truly prohibited. Is this not also the case with the inhabitants of Huzai, who are also ignorant and might construe the action to imply that they need not separate the first dough even from grain? "Therefore," said R. Ashi, "let us see how the inhabitants of the city of Huzai do? If the majority of them eat only rice, then the first dough thereof which they have separated should not be eaten by an ordinary Israelite in their presence, lest they forget about the law of first of dough entirely; but if the majority of them eat grain, then an ordinary Israelite should eat the first dough which they have separated from the rice in order to demonstrate to them that they need not do this, and warn them that if they separate the first of the dough from

rice to serve also for grain, they will commit a transgression of the law."

When Rabba bar bar Hana came from Palestine to Babylon, he ate the fat around the stomach of an ox; this fat is, however, not eaten in Babylon. While he was eating this, R. Abhira the elder and Rabba the son of R. Huna entered the room. As soon as he perceived them, he covered up the fat. When they came out Abayi said to them: "He treated you like Samaritans."

Does not Rabba bar bar Hana hold that a man is subject to the rigor of the place whence he came and to which he went? How could he allow himself to eat that fat? Abayi replied: "This rule applies to such persons as go from one city in Babylon to another, or from one city in Palestine to another, or even from Babylon to Palestine; but not to such as go from Palestine to Babylon; for we are under their protection and should do as they do." R. Ashi, however, said: "Even were the rule to apply to one who comes from Palestine to Babylon, Rabba bar bar Hana would still have been permitted to follow the custom in Palestine, for he did not intend to remain in Babylon, but to return to Palestine; hence the customs of Babylon need not concern him."

Rabba bar bar Hana said to his son: "The fat which thou seest that I eat, thou shalt not eat, neither in my presence nor in my absence. I allow myself to eat it, because I saw R. Johanan do so, and he is worthy that I should depend upon him even in his absence; but thou must not depend upon me; hence thou shouldst not eat it in my presence nor in my absence." By this statement, however, he contradicts himself, for he said: R. Johanan bar Elazar related: "I was going with R. Simeon ben R. Jose ben Lakunia in a garden in a sabbatical year (after the crops were removed from the field), and he picked up an aftergrowth of a cabbage, ate part himself, and gave me some, saying: 'My son, in my presence thou mayest eat it, but not in my absence; for I saw R. Simeon ben Jochai do this, and he is worthy that I should depend upon him either in his presence or in his absence; but I am not worthy of being depended upon in my absence.'"

"*If a person should go from a place,*" etc. It would be correct to say, that a man who comes from a place where the custom to work on the forenoon of the day preceding the Passover prevails to a place where the custom does not prevail should

hold to the more rigorous custom of the place in which he arrived, to prevent any possible strife; but if he come from a place where the custom does not prevail to a place where it does, what is meant by saying that he should act so as to prevent strife? That he should work on the forenoon the same as the others? Then how can the rigor of the custom peculiar to the place whence he came be applied to him? Said Abayi: "The injunction to prevent disputes applies only to the first instance, *i.e.*, if he comes to a place where it is not customary to work during that time." Rabha, however, said: "Nay; it applies even to the instance, and the injunction of the Mishna to prevent disputes implies, that no disputes will arise from the fact of the man not working, as his idleness will not be considered as the carrying out of a religious duty, but will be attributed to his want of employment, there being many who have no occupation."

Said R. Saphra to R. Abba: "May we, who are well versed in the calendar, perform work on the second day of a festival (in exile)? I do not ask concerning a place where it is not customary to do so, in order to cause any dispute; but I refer to the desert, where there are no other inhabitants?" and he answered: "So said R. Ami: "In the cities it is prohibited, but in the desert it is allowed."

R. Nathan bar Assia went from his college to Pumbaditha on the second day of Pentecost. R. Joseph punished him for it. Said Abayi to R. Joseph: "Why doth not the Master put him under a ban; for did not Rabh and Samuel both say, that the violation of any of the festivals (in exile) is punishable in that manner?" R. Joseph answered: "This is the case where the offence is committed by a man of the common people, but a young scholar should be dealt with as leniently as possible. In Palestine it is the custom to cast votes for the punishment of a young scholar, but no votes were cast to put him under a ban."

"*Likewise, when a person brings fruit of the sabbatical year,*" etc. Does not R. Jehudah hold, that the man is subject to the rigor of the custom both of the place whence he came and of that where he arrived? Said R. Shesha the son of R. Idi: In this case another matter is concerned: R. Jehudah teaches as follows: If a man came from a place where the fruit was not yet removed from the field, into a place where the same condition existed; but in the meantime had been advised that in the place whence he came the fruit had been removed, he should under

ordinary circumstances be in duty bound to act likewise. Such is the opinion of the first Tana. Whereupon R. Jehudah said to this first Tana: "The man may be told to go to a place where the fruit is not yet removed and fetch his fruit, for at the time when he left his home the fruit had not yet been removed."

The rabbis taught: Fruit of the sabbatical year which has been brought from within the boundaries of Palestine to a place without may be destroyed wherever found; but R. Simeon ben Elazar said: "Nay; it must be destroyed in Palestine proper, even if it has to be brought back, for it is written, 'In thy lands.'"

R. Saphra journeyed from Palestine to a place without the boundaries and had with him a measure of wine made of fruit of the sabbatical year. R. Huna the son of R. Ikha and R. Kahana accompanied him, and he said to them: "Has one of you heard whether the Halakha prevails according to R. Simeon ben Elazar or not?" R. Kahana replied: "R. Abbahu declared that the Halakha prevails according to R. Simeon ben Elazar"; but R. Huna the son of R. Ikha rejoined: "Thus said R. Abbahu: 'The Halakha does *not* prevail according to R. Simeon ben Elazar.'"

Said R. Saphra: "Under all circumstances the decision of R. Huna must be abided by, because he was very exact in his decrees, which he learned from his master Rahabha of Pumbaditha."

R. Ilayi pruned green dates on the sabbatical year. How was it possible that he should have done this? Is it not written, that for eating purposes they may be gathered, but they must not be removed wantonly? Lest, however, it might be assumed that such is only the case with ripe, edible fruit, but not with such as are unfit—did not R. Na'hman say in the name of Rabba bar Abbahu, that the peel surrounding the dates of uncircumcised trees must also not be used, notwithstanding the fact that it only serves to preserve the dates and cannot be considered fruit itself? Thus we see that, although the peel surrounds dates only when the latter are not yet ripe, still he calls such dates fruit, and in consequence it cannot be said that R. Ilayi pruned dates which were not to be considered fruit?

R. Na'hman holds with R. Jose, who maintains that green fruit is prohibited (during the sabbatical year), because it is considered fruit; but the sages differ with him.

The rabbis taught: "On the sabbatical year grapes may be eaten until the bunches of grapes are all plucked from the vines,

and should there be vines that still contain bunches, grapes may be eaten until even the latter are plucked. Olives may be eaten until the last of them fall off the trees in the city of Thequa. R. Eliezer said: 'Until the last of them fall off the trees in the city of Gush-Halob.' This means to say, that if a poor man goes to seek olives he cannot find any, neither on the branches nor at the roots of the tree. Figs may be eaten until the last fall off the trees in Beth-Hini."

Dates may be eaten until the last fall off the trees in Tzoar. R. Simeon ben Gamaliel said: "They may be eaten when some are to be found among the unripe dates, but not if some are found among the bad dates which have fallen off the trees."

MISHNA: In places where it is customary to sell small cattle (sheep, goats, etc.) to Gentiles, it is lawful to do so, but not in places where this is not customary. Large cattle must not be sold to Gentiles at all,\* nor calves nor foals of asses, either sound or broken-legged. R. Jehudah permits the sale of the latter and Ben Bathyra permits the sale of a horse.

In places where it is customary to eat roasted meat on the night of the Passover, it may be eaten, but not in places where this custom is not observed. In places where it is usual to burn a light on the night of the Day of Atonement, it may be done; but not in places where this custom does not exist. The synagogues and colleges, however, may be lighted, as may also dark alleys and (rooms) occupied by sick people.

GEMARA: R. Jehudah said in the name of Rabh: "A man must not say: 'This animal shall serve for the Passover meal,' because, by thus specifying the purpose for which he intends to use it, he virtually consecrates the animal, and consecrated things must not be eaten outside of the Temple." Said R. Papa: "This refers only to flesh, but wheat may be designated for use on the Passover; (because by being thus designated it will not become consecrated, but it will simply be preserved)."

An objection was raised: Flesh must not be designated? Have we not learned that R. Jose said: "Thodos of Rome instituted the custom among his co-religionists in Rome, that they should eat roasted goat-meat on Passover, and the sages sent him the following message: 'Wert thou not Thodos, thou wouldst have been put under a ban for thy action, since thou

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\* This is a precautionary measure, lest the Gentiles put the cattle to work on Sabbath; but in the Schulchan Aruch this law is revoked.

inducest Israelites to eat consecrated things outside of Jerusalem'? How can they say consecrated things? Say rather, similar to consecrated things." Hence we see, that only roasted flesh may be considered as consecrated; but how can this refer to raw flesh? When roasted flesh is eaten it appears of itself as if it were consecrated, without being designated expressly for use on the Passover, whereas raw flesh is considered so only when it is expressly specified.

The schoolmen propounded a question: "Was Thodos really a great (learned) man or was he simply a very influential citizen, and hence the sages were afraid to put him under a ban?" Come and hear: "Furthermore related Thodos, the man of Rome: 'What justified Hananiah, Mishaël, and Azariah to permit themselves to be thrown into the fiery furnace? They derived their justification from the following *a fortiori* conclusion: As the frogs [mentioned Exod. vii. 28], which were in no wise obliged to honor the name of the Lord, did not hesitate to enter the ovens which, as they still contained the dough, were hot, so much the more should a man who is in duty bound to honor the name of the Lord not hesitate to throw himself into a fiery furnace.'"

R. Jose bar Abhin said: "Thodos of Rome would give wares to the scholars in order to enable them to procure a livelihood by traffic, and R. Johanan said, that he who gives wares to scholars, so that they are enabled to gain a livelihood and study in peace, will merit the privilege of sitting in the colleges of learning in the world to come, as it is written [Ecclesiastes vii. 12]: 'For under the shadow of wisdom (a man is equally well as) under the shadow of money.'"

"*In places where it is usual to burn a light,*" etc. Said R. Jehoshua: Rabha lectured: It is written [Isaiah lx. 21]: "And thy people, they all will be righteous, forever shall they possess the land." From this may be inferred, that all the people were righteous; and those that burned a light on the night of the Day of Atonement as well as those that did not, all had the same purpose in view, namely, to prevent a man from having intercourse with his wife on that night (some believing that when there was a light this would be avoided, while others thought that the light would rather stimulate the desire).

Ula rode on an ass. R. Abba walked to the right of him and Rabba bar bar Hana to the left. Said R. Abba to Ula: "Is it true that both of you, thou and Rabba bar bar Hana,

said in the name of R. Johanan, that a benediction is not pronounced over fire except at the close of the Sabbath-day, for at that time was fire created?" Ula glared at Rabba bar bar Hana and said to R. Abba: I did not quote R. Johanan in this connection, but in the following instance: A certain Tana taught in the presence of R. Johanan: "R. Simeon ben Elazar said: 'When the Day of Atonement falls on a Sabbath, even in such places where it is not customary to burn a light on the night of the Day of Atonement, this should be done in honor of the Sabbath.'" R. Johanan, however, replied that the sages prohibit this.

Rabba bar bar Hana assented, and said: "Yea; such was the statement made by R. Johanan." Commenting upon this, R. Joseph applied to these two sages the passage [Proverbs xx. 5]: "Like deep water is counsel in the heart of man; but the man of understanding will draw it out." "Like deep water," R. Joseph compares to Ula, who, though not knowing what Rabba bar bar Hana might have said, did not reprove him, but merely glared at him; and "the man of understanding will draw it out" is applied to Rabba bar bar Hana, who immediately understood what was passing in Ula's mind and at once assented to his statement.

If, then, R. Johanan did not make the statement attributed to him by R. Abba, whence do the people adduce that a benediction must be pronounced over a light at the close of Sabbath? From the statement of R. Benjamin ben Japheth, who said in the name of R. Johanan: "A benediction must be made over a light both at the close of Sabbath and on the night of the Day of Atonement." And such is the general custom.

An objection was made: Have we not learned, that a benediction over a light should be made only at the close of Sabbath, because at that time fire was created, and as soon as fire is perceived the benediction must be pronounced? R. Jehudah, however, said, that at the time the benediction which is made over the goblet (of wine) the one over the light should also be made, and R. Johanan declared the Halakha prevails according to R. Jehudah?

This presents no difficulty: On the night of the Day of Atonement, according to R. Johanan, a benediction should be pronounced over a light that had been burning all day, but not over one that had just then been made.

We have learned in one Boraitha that over fire arising from



wood or stone a benediction should be pronounced, while in another Boraitha we are taught to the contrary, that no benediction must be pronounced. This also presents no difficulty: The former Boraitha refers to the close of the *Sabbath*, while the latter refers to the night of the Day of Atonement.

Rabbi would as a rule scatter his benedictions at the close of the Sabbath, pronouncing them as the occasion demanded; *i.e.*, if he perceived fire first, he would pronounce the benediction pertaining to fire, and then accordingly over spices, the goblet, etc. R. Hyya, however, would wait until the goblet was brought to him, when he would pronounce all the necessary benedictions together. Said R. Itz'hak bar Abdimi: "Although Rabbi would scatter his benedictions, he nevertheless repeated that over the goblet, for the purpose of fulfilling the duty of the family."

Is it a fact that fire was created at the close of the Sabbath? Have we not learned in Abhoth, where it is stated that ten things were created at twilight on the day preceding the Sabbath, that R. Nehemiah added fire and the mule to the ten things? This presents no difficulty. The fire which we use was created at the close of Sabbath, while the fire of Gehenna was created at twilight on the eve of Sabbath.

Was the fire of Gehenna then created on the eve of Sabbath? Have we not learned in Tract Nedarim that seven things were created even before the world was created, and among the seven was also the Gehenna? The atmosphere of the Gehenna was created before the world, but the fire of Gehenna was created at twilight on the eve of Sabbath.

Still, was the fire of Gehenna really created on the eve of Sabbath? Did not R. Banaha the son of R. Ula say, that the reason it is not written, in the passages referring to the things created on the second day, that "the Lord saw that it was good," is because on that day the fire of Gehenna was created? Therefore we say, that the atmosphere of Gehenna was created before the world, the fire of Gehenna was created on the second day of the week, and the fire which we use was to be created on the eve of Sabbath, but the creation was postponed; as we have learned in a Boraitha, R. Jose said: "Two things were postponed to be created on the eve of Sabbath, but they were not created until the close of Sabbath: they are fire and the mule"; and at the close of the Sabbath the Lord put into Adam's mind to produce fire by striking two stones against one another

and to pair two different animals (the ass and the horse) and thus produce the mule.

The rabbis taught: Seven things are concealed from man: The time of his death, the time of his contentment, the depth of judgment (according to another version, the depth of divine judgment), the thoughts of others, the source of profit, the time of the reëstablishment of the kingdom of David, and the time of the downfall of the kingdom of Rome.

The rabbis taught: Three things were intended to be instituted, and if they were not intended to be instituted, it would be well if such were still the case. They are: that a corpse should putrefy, that the dead should be forgotten after a certain period, and that grain should rot (by exposure). Others add a fourth thing, namely, that coins should be minted, for without them traffic would be impossible.

MISHNA: In such places as it is customary to work on the 9th of Abh, work may be performed; but not where such is not the custom. The scholars, however, must in every place avoid working on that day. Rabbon Simeon ben Gamaliel said: "Every man should in this respect consider himself a scholar (Talmud-chacham)." The sages, however, said: It was customary in Judæa to work until noon on the day preceding Pass-over; but in Galilee no work was performed on that day. As for the night preceding that day, the school of Shammai prohibit work to be done thereon, while the school of Hillel permit it until sunrise (of the day following). Said R. Meir: Every occupation which had been commenced prior to the 14th (of Nissan) may be finished on that day; but no new work may be commenced, even if it can be finished on that same day. The sages, however, are of the opinion, that the three following crafts may pursue their usual calling until noon on that day, namely: tailors, barbers, and clothes-washers. R. Jose ben Jehudah says that shoemakers may also do so.

GEMARA: Samuel said: "There is no fast-day, imposed by the community upon its members in Babylon, except the ninth day of Abh."\* Shall we say that Samuel by this statement means to assert, that eating at twilight on the eve of that day is also prohibited? Have we not heard that Samuel held to the contrary? Shall we assume, that at twilight on the eve of

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\* In Palestine in times of drouth especially, fast-days were imposed by the community upon its members in order to pray for rain, while in Babylon there hardly ever arose the necessity for such occasions.

any fast-day imposed by the community eating is permitted? Have we not learned in Tract Taanith, that on the day preceding congregational fast-days eating is permitted only while it is yet day; and thence we may adduce that as soon as dusk sets in it is prohibited? Nay; the statement that eating is only permitted while it is yet day signifies, that when night sets in eating is prohibited, but as for dusk (twilight), the prohibition does not apply.

We have learned in a Boraitha: "There is no difference between the ninth of Abh and the Day of Atonement as fast-days, except that in the doubtful time of the latter eating is prohibited, while in that of the former eating is permitted." Shall we assume, that by doubtful time the Boraitha refers to the twilight, when it is not known whether it is yet day or not, and thus would be a support to the opinion of Samuel, who permits eating at twilight on the eve of the ninth of Abh? Nay; by "doubtful time" the Boraitha refers, as R. Shesha the son of R. Idi said elsewhere, to the doubt existing whether the day was really the proper day according to the calendar.

Rabha preached: "Pregnant and nursing women must fast on the entire day of the ninth of Abh in the same manner as if it were the Day of Atonement; also, that at twilight on the eve of that day eating is prohibited." This decree was also attributed to R. Johanan. How could R. Johanan have said this? Did he not say elsewhere, that the ninth of Abh is not equal to a congregational fast-day? Must it not be assumed that he holds eating on the eve of the ninth of Abh to be permitted? Nay; R. Johanan means to state, that the ninth of Abh differs from a congregational fast-day only as concerns the number of benedictions to be recited. On a congregational fast-day the number is twenty-four, while on that day it is not so.

An objection was raised: The difference between a congregational fast-day and the fast of the ninth of Abh is merely that on the former no manner of work may be performed, while on the latter, in those places where it is customary to work on that day, this may be done. Hence are they not alike in all other respects? Said R. Papa: "All the Boraithoth quoted only cite the more lenient observance of the ninth of Abh as compared with congregational fast-days and the Day of Atonement, but do not mention the more rigorous observance."

*"Every man should in this respect consider himself a scholar."*

Here we see that R. Simeon ben Gamaliel has no objection to a man vainly assuming that he is a scholar, whereas (in Tract Berachoth) concerning the reading of the Shema (prayer) he says, that not every man who so chooses may assume to be (or act like) a scholar. Said R. Johanan: "Transpose the names in the Mishna, so that the statement attributed to the sages should be that of R. Simeon ben Gamaliel and the dictum of R. Simeon ben Gamaliel should be that of the sages." R. Shesha the son of R. Idi, however, said: This is not necessary. There is no difficulty either as to the sages or as regards R. Simeon ben Gamaliel. According to the sages, a man who would not work, when all others do, would leave the false impression that he is a scholar, although he is not, while in the instance quoted, concerning the reading of the Shema, a man who is a bridegroom may (on his wedding-day) read the Shema, because all others do likewise, and he cannot be accused of being presumptuous. According to R. Simeon ben Gamaliel, however, premeditation being necessary for a man who is to read the Shema, and it being a known fact that a bridegroom on his wedding-day cannot have the necessary premeditation—if he nevertheless persists in reading that prayer, he does so merely to gratify his vanity and to demonstrate that he is a scholar; hence it should not be permitted. In the case treated of in the Mishna, however, it is different. The fact of his not working will not give others the impression that he wishes to pose as a scholar; for are there not a number of men who lack employment and are idling in the markets?

"*The school of Shammai prohibit work to be done,*" etc. So far the Mishna has been dealing with the customary usages, and suddenly prohibitions are cited? Said R. Johanan: This presents no difficulty. The decisions pertaining to customary usage are all rendered upon the authority of R. Meir, but R. Jehudah actually prohibits work to be performed in those places where it is not usually done, as we have learned in the following Boraitha: R. Jehudah said: "In Judæa work was done on the day preceding the Passover until noon, while in Galilee no work at all was performed on that day." Said R. Meir to him: "To what purpose dost thou cite the customs of Judæa and Galilee? Is it not a rule that, wherever it is customary to perform work on that day, it may be done, and wherever it is not customary it should not?" Thus, if R. Meir's reply to R. Jehudah dealt with customary usage, it is obvious that R. Jehu-

dah must have directly prohibited work in places where it was not usually done.

The schoolmen propounded a question: Does that part of the Mishna, which states that every occupation which was commenced prior to the 14th of Nissan may be finished on that day refer only to such occupation as was necessary for the due observance of the festival, but if it is not necessary for that purpose, it must not even be completed on that day, or does it refer to such occupation as was not necessary for the festival; but if it was, it is even allowed to commence *and* finish it on that day? Or, on the other hand, does it refer to occupation which is even necessary for the festival and still it may only be finished but not commenced on the day preceding the festival?

Come and hear: R. Meir said: "Every occupation necessary for the due observance of the festival may be *completed* on the day preceding the festival, but if it was not necessary for that purpose it must *not* be finished. Wherever it is customary, work may be done on the day preceding the festival until noon." Thus we see, that only wherever it is customary work may be done until noon of the day preceding the festival but otherwise it must not, and only when the work is needed for the festival may it be completed on that day but otherwise it must not.

"*The sages, however, are of the opinion, that the three following crafts,*" etc. We have learned in a Boraitha: Tailors may pursue their occupation, because any man may, if necessary, mend his garments on the days intervening between the first and last days of the festival. Barbers and clothes-washers may pursue their calling, because those that arrive from a sea-voyage or those that are released from imprisonment may trim their hair and wash their clothes on the days intervening between the first and last days of the festival.

R. Jose ben Jehudah says, that shoemakers may pursue their calling, because the pilgrims who journey to Jerusalem for the festivals mend their shoes on the intervening days. Upon what point do R. Jose and the former Tanaim differ? The former Tanaim hold, that permission to commence a certain act of labor cannot be derived from the fact that it may be completed; *i.e.*, while shoes may be mended, it does not follow that it is permitted to make new shoes, while R. Jose maintains that it makes no difference, and as shoes may be mended, new ones may be made also.

MISHNA: Fowls may on the day preceding the Passover be

placed in hatching-coops; a brooding hen which had run away (from her eggs) may be replaced on them, and if the hen had died another may be put on the eggs in her place. It is permitted to remove the stable-dung on the 14th (of Nissan) from between the feet of cattle; but it may only be removed to one side during the middle days (the days intervening between the first and last days of the festival). It is also permitted to carry, to and from the houses of mechanics, vessels and other articles, even though they be not needed for use during the festival.

GEMARA: If a fowl may be placed in a hatching-coop on the day preceding the festival, why should it be necessary to state that she may be replaced on the eggs which she had abandoned? (Is this not obvious?) Said Abayi: "The clause permitting the replacing of the hen does not refer to the 14th (of Nissan) but to the middle days." R. Huna said: "When is it allowed to replace a hen on the eggs which she had abandoned? If she had already been hatching the eggs for three days prior to her escape and three days had not elapsed since she had escaped; *i.e.*, if the eggs had already become spoiled and at the same time retained warmth, so that when the hen is replaced she can still complete the hatching with success. If, however, the hen had not yet been hatching the eggs for three days and they had not become spoiled, or if three days had elapsed after she had abandoned them, so that it would be impossible to hatch them with success, the hen must not be replaced." R. Ami, however, said: "Even if the hen had not been hatching the eggs for three days and they had not yet become spoiled, she may nevertheless be replaced."

In which point do R. Huna and R. Ami differ? The former holds, that on account of serious damage only may work be done on the middle days, while the latter maintains that even on account of slight damage this may be done.

"*It is permitted to remove stable-dung,*" etc. The rabbis taught: The dung contained in the yard must be removed to one side, and that contained in the stable and in the yard may be entirely removed. How can this latter part be understood? What is meant by dung contained in the stable *and* in the yard? Said Rabha: "This signifies, that if the yard became like a stable, filled with dung, the dung may be entirely removed."

"*It is also permitted, etc., to carry vessels,*" etc. R. Papa said: Rabha wished to examine us and said: "In our Mishna it is stated, that on the 14th (of Nissan) vessels may be carried to

and from the houses of mechanics, etc., even though they be not needed for the festival, and this is contradicted by a Boraitha, which decrees that vessels must not be carried from the house of the mechanic; and if there is danger of their being stolen, they may be deposited in another court?" We replied: This presents no difficulty, as the Boraitha refers to the middle days, while our Mishna has reference to the 14th (of Nissan). We can also give another reason, namely: Both the Boraitha and the Mishna may refer to the middle days, and it merely depends upon whether the mechanic has sufficient confidence in his master to leave his tools with him; for if he has not, he may remove them.

MISHNA: The inhabitants of Jericho were wont to do six things; three of these were done contrary to the wishes (of the sages) and three were done with the sanction (of the sages). The following were done with the sanction of the sages: They would graft palm-trees the whole day of the 14th (of Nissan), they would read the Shema (prayer) with an additional verse (or without interruption), and they would heap up new corn (into sheaves) before acquitting the "omer" (first-offering) thereof. All these things were done with the sanction of the sages; but the following were contrary to their wishes, namely: They would make use of plants (buds) growing on or near consecrated trees; they would eat fruit on Sabbath which had dropped off the trees on that day, and they allowed herbs to remain in the field as Peah.\* All these things were contrary to the wishes of the sages.

Six things were done by King Hezekiah,† three of which met with approval and three with disapproval: He caused the bones of his father to be transported on a litter of ropes,‡ and this was approved of; he caused the brazen serpent to be broken to pieces, and this was approved of; he secreted the book of medicine, and it was also approved. The following, however, are the three things done by him which were *not* approved of: He cut off (the gold) from the gates of the Temple, and sent it to the King of Assyria; he stopped up the upper mouth of the

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\* See Levit. xxiii. 22, and Deut. xxiv. 19.

† "Six things of Hezekiah." This is, in the original, not a continuation of the Mishna, but it begins with, "The rabbis taught," which signifies a Boraitha. In the edition of the Mishna, however, this is the continuation of the Mishna, and so it should be. See Tospath Yomtav Sanhedrin, Chap. 7.

‡ As a mark of disrespect.

waters of Gihon, and made the month of Nissan intercalary—all of which were not approved of.

GEMARA: "*They would graft palm-trees,*" etc. How would they do this? Said R. Jehudah: "They would take a damp myrtle-branch, bayberries of which they made an extract, and barley meal, and would boil them in a vessel which had not been made more than forty days before. This brew they would pour into the core of the tree. Any tree which stood within four ells of a tree which was thus treated would, unless receiving the same treatment, wither and die immediately." R. A'ha the son of Rabha, however, said: "They would graft a twig of a male tree on a female tree."

"*They would read the Shema,*" etc. How did they do this? Said R. Jehudah: "They would recite the passage: 'Hear, O Israel,' etc., and without any interruption would continue: 'And thou shalt love,' " etc.; but Rabha said: "They would transpose the stress in the following passage thus: Instead of saying: 'And these words, which I command thee this day, shall be in thy heart,' they would say: 'And these words which I command thee—*this day* shall they be in thy heart,' so that one who heard them might have thought that the intent of the passage was to signify: '*This day* shall they (the words which I command thee) be in thy heart, but not *to-morrow*.' "

The rabbis taught: How would they read the Shema? They would recite the passage: "Hear, O Israel, the Lord is our God; the Eternal is One," and then would continue without interruption to say: "And thou shalt love the Lord thy God," etc. (*i.e.*, they would not stop to lay stress on the words, "The Eternal is One," sufficiently long to meditate on the power of God in the heavens and on earth in all directions). Such is the dictum of R. Meir; but R. Jehudah said: They would make that interruption, but what they did not say was the verse: "Blessed be the name of the honor of His kingdom for ever and ever," which should be inserted between the end of the first verse: "Hear, O Israel," etc., and the one commencing: "And thou shalt love," etc.

Why do we recite this additional verse? It is not written in the Scriptures? In accordance with what was related by R. Simeon ben Lakish: It is written [Gen. xlix. 1]: "And Jacob called unto his sons and said, 'Gather yourselves together, that I may tell you that which shall befall you in the last days,' " which signifies that he wished to disclose to them when the end



of the days should occur. As he was about to accomplish this, the Shekhina left him, and he commenced to fear lest there were among his children an unworthy person like Ishmael the son of Abraham and Esau the son of Isaac. So his children spoke to him and said: "Hear, O Israel, the Lord is our God; the Eternal is One." They said to him: "Father, as in thy heart there is but one God, so is there in our hearts but one God." As soon as Jacob our father heard this, he opened his mouth and said: "Blessed be the name of the honor of His kingdom for ever and ever."

The sages then began to deliberate whether to say this also or not. To say it would not be in accordance with the words of Moses, who did not use the verse; not to say it would be to disregard Jacob. So they finally concluded to say it in a still manner (not audibly).

Said R. Itz'hak: "The disciples of R. Ami compared this to the following parable: A king's daughter, smelling the odor of savory spices, which were being cooked in the kitchen, craved for some. To order her servants to bring a dish of those spices would be to expose herself to ridicule; not to do so would be to suffer: so her servants brought her what she desired surreptitiously, in order that nobody should perceive it."

Said R. Abbahu: "In Usha, where there was a sect of Minim,\* it was ordained that the additional verse should be proclaimed in a loud voice, in order that the adherents of that sect should not say that the verse which was said in a still manner was one praising their own Deity; but in Neherdai,† where there were no Minim, even unto this day the verse is said in a still manner."

The rabbis taught: The inhabitants of Jericho were wont to do six things; three of these were done contrary to the wishes of the sages and three were done with the sanction of the sages. The following were done with the sanction of the sages: They would graft palm-trees the whole day of the 14th (of Nissan), they would read the Shema without interruption, and they would

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\* "In Usha" is in accordance with the explanation of Rabbenu Hananel; for the Gemara does not mention any particular place. By "Minim" is meant the Jewish adherents of several different sects, who in addition to their own creed accepted the doctrines of another religion. In this instance the Nazarenes, *i.e.*, the Jews who accepted the teachings of Jesus of Nazareth, are more particularly referred to.

† Neherdai was the kingdom of Persia, and the Minim Jewish Christians did not exist then at all. (Not, as some one claimed, that they were driven out. See our History of the Talmud.)

cut off new corn before acquitting the "omer" (first-offering) thereof. The following, however, were done contrary to the wishes of the sages, namely: They would heap up the new corn before acquitting the "omer" (first-offering) thereof; they would make breaches in the fences of their gardens and vineyards during times of famine, in order that the poor might enter and eat the fruit which had dropped off the trees on Sabbath and on festivals; and they would make use of the plants (buds) growing on or near consecrated trees, carob-trees, and sycamore. Such is the dictum of R. Meir. Said R. Jehudah to him: "If thou sayest, that the first three things were done with the sanction of the sages, then it will be assumed that all men may do so and that the sages allow them; say rather, that the sages did not prevent their doing the first three things, but not that they sanctioned them. Shouldst thou, however, retort, that cutting off the new corn before acquitting the 'omer' thereof is certainly permitted (because it thus taught in a Mishna), then, say I, substitute for 'cutting off,' 'heaping up into sheaves,' and in the last three things substitute for 'they would heap up the new corn before acquitting the "omer" thereof,' 'they allowed herbs to remain in the field as Peah.'"

Why did the inhabitants of Jericho make use of plants growing on or near consecrated trees? They said: "Our ancestors only consecrated the wood of the trees, and if other plants subsequently grew on those trees, why should we prevent the poor people from making use of them? It does not constitute a trespass to partake of plants which subsequently grew on consecrated trees!" The sages, however, said: "A trespass-offering need not be brought if this was done, but it is a trespass nevertheless."

R. Simeon ben Lakish was quoted by Ula to have said: The inhabitants of Jericho and the sages differed only concerning such plants as grew on the tops of trees, and the sages prohibited their use on the Sabbath or on a festival, lest they be torn off by the poor on those days, while the inhabitants of Jericho did not hold this precautionary measure to be necessary. As for unripe fruit at the foot of the trees, all agree that it may be gathered.

When Rabhin, however, came from Palestine, he said in the name of R. Simeon ben Lakish to the contrary: That they differ only concerning the unripe fruit, the sages holding that what is prepared for the fowls of the air (crows) cannot be called

prepared for men, while the inhabitants of Jericho maintained that it may be considered prepared for man also. As for the shoots on the tops of the trees, however, even the latter admit that they must not be used, for they hold to the precautionary measure instituted by the sages above.

*"And they allowed herbs to remain in the field as Peah."*

The rabbis taught: "Formerly Peah was left from turnips and cabbage, and R. Jose said: "Also from leek." In another Boraitha we have learned: "Formerly Peah was left from turnips and leek," and R. Simeon said: "Also from cabbage."

The rabbis taught: "Ben Buhain allowed herbs to remain in the field as Peah. When his father arrived he saw some poor men already standing with the bundles of herbs at the entrance of the garden, and he said to them: 'Children, throw down your bundles of herbs and I will restore twice their value to you after I shall have acquitted the tithes thereof; and I do not say this because I would grudge you the herbs, but because the sages did not permit the herbs to be left as Peah.'"

The rabbis taught: "Formerly the hides of the sacrificed animals were left in the chamber of Parvah.\* At night the priests ministering during that week would divide those hides among themselves. The more powerful among the priests, however, would appropriate more than their share. So it was ordered that the division should be made every eve of Sabbath in the presence of all the men comprising the twenty-four watches (shifts) of the Temple. Still the more powerful priests would appropriate more than was due them. In consequence, the persons bringing the sacrifices decided to consecrate the hides for the use of the Temple. It was said that it did not take very long before it was possible to cover the entire Temple with disks of gold one ell square and of the thickness of a golden Dinar. At the time of the festivals these disks were placed on the mount of the Temple, in order that the pilgrims to Jerusalem might see them; for they were beautifully worked and were not counterfeited."

We have learned in a Boraitha: Abba Saul said: "There were sycamore-trees in Jericho which the priests forcibly appropriated for their own use, in consequence of which the owners consecrated them for the use of the Temple." Concerning such

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\* One of the chambers enumerated in Tract Midath in connection with the Temple.

outrages and such priests, Abba Saul ben Batnith in the name of Abba Joseph ben Hanin said: "Woe is me on account of the house of Baithos, woe is me on account of their rods! Woe is me through the house of Hanin and through their calumnies! Woe is me through the house of Kathros and through their pens! Woe is me on account of the house of Ishmael ben Piakhi and of their fists! for they were all high-priests, their sons were the treasurers, their sons-in-law were the chamberlains, and their servants would beat us with rods.\*

The rabbis taught: Four shouts were sent up by (the people in) the court of the Temple. The first shout was: "Go away from the Temple, ye children of Eli, who have defiled God's house" (I Samuel ii.). The second shout was: "Leave the Temple, Issachar, man of the village of Barkai," who by his arrogance desecrated the sanctity of Heaven. He would envelop his hands in silk while performing his services as a priest. The third shout was: "Raise your heads, O ye gates, and let Ishmael ben Piakhi the disciple of Pinhas enter and assume the office of the High Priest." The fourth shout was: "Raise your heads, O ye gates, and let Johanan ben Narbayi enter and fill his bowels with the holy sacrifices." Of Johanan ben Narbayi it was said that he (and his family, which was very large) would consume 300 calves, 300 jugs of wine, and 40 saah of young doves as dessert after his meals. It was also said that during his administration as high-priest there never was any remainder left over of the sacrifices from one day to the next.

What was the end of Issachar, the man of the village of Barkai? It was said that at one time the king and the queen were disputing as to the relative merits of a kid or lamb as food. The question then arose who was to decide the dispute. So it was suggested that the decision be left to the high-priest, who at that time was Issachar, the man of the village of Barkai, who certainly ought to know which was the better, as he used to bring sacrifices daily. He was called, and coming into the presence of the king, jokingly waved his hand and said: "If a kid were the better it would be used for the daily sacrifice, and we know that a lamb only must be used." Said the king: "Because he showed no respect to the throne and waved his hand, let his right hand be cut off." Issachar, however, bribed the executioner, and his left hand was cut off instead. When the

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\* See "Priester und Cultus," of Buechler.

king heard of this, he ordered that the right hand should also be cut off. Said R. Joseph: "Blessed be the Merciful One, who punished Issachar in this world, and thus enabled him to enjoy the world to come." Said R. Ashi: "Issachar never learnt the Mishna, for had he done so he would have learned the following: R. Simeon said: For sacrifices lambs are always preferable to kids; but shall we assume that this is because they are really more toothsome? Therefore it is written [Lev. iv. 32]: 'And if he bring a sheep for a sin-offering,' and as it is previously written that he should bring a goat, it may be inferred therefrom that both are equal."

Rabhina, however, said: "Issachar did not even read the Scriptures, for it is written [Lev. iii. 7 and 12]: 'If he offer a sheep for his offering,' etc., and 'If a goat be his offering,' etc., thus showing that both are equal."

## CHAPTER V.

### REGULATIONS CONCERNING THE SACRIFICE OF THE PASCHAL LAMB.

MISHNA: The continual (daily) offering\* was slaughtered half an hour† after the eighth hour, and sacrificed half an hour after the ninth hour; but on the day before Passover, whether that day happened to be a week-day or a Sabbath, it was slaughtered half an hour after the seventh hour, and sacrificed half an hour after the eighth hour. When the day before the Passover happened to be a Friday, it was slaughtered half an hour after the sixth hour, sacrificed half an hour after the seventh hour, and the Passover sacrifice celebrated (immediately) afterwards.

GEMARA: Whence do we know all this? Said Rabha: Because it is written [Numbers xxviii. 4], "toward evening," we know that this religious duty must be discharged when the sun commences to move towards the west (evening). Then again, on all ordinary days, in respect to vow and voluntary offerings, as it is written [Lev. vi. 5]: "And he shall burn thereon the fat of the peace-offering." And the master said that this signifies that all the other offerings must be sacrificed before the daily offering. Hence this latter was slaughtered half an hour after the eighth hour (two and one half hours after noon); but on the day before Passover, when the paschal lamb had to be slaughtered after the daily offering, the latter was slaughtered an hour sooner. If the eve of Passover, however, fell on Friday, when the paschal lamb must be roasted before the Sabbath set in, the literal text of the passage in the Scriptures is abided by, and the daily offering is slaughtered as soon as the sun commences setting towards the west, *i.e.*, half an hour after noon.

The rabbis taught: "In the same manner as the daily offering was proceeded with on a week-day, it was also treated on

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\* See Numbers xxviii. 3.

† All hours mentioned in Mishnaoth and Gemara are counted according to Palestinian time. The first hour in the morning is counted from our time, six o'clock.

Sabbath." Such is the decision of R. Ishmael. R. Aqiba, however, said: "In the same manner as it is proceeded with on the eve of Passover, so should it be treated on Sabbath."

What does R. Aqiba mean by this statement? Said Rabba bar Ula: The Mishna teaches us as follows: The usual manner of treating the daily offering on week-days is carried out also on Sabbath, notwithstanding the fact that no vow or voluntary offerings are sacrificed on the Sabbath. Such is the decree of R. Ishmael; but R. Aqiba said: "Nay, on Sabbath the daily offering should be treated the same as on the day before Passover; *i.e.*, it should be sacrificed an hour sooner, and for the very reason that there are no vow or voluntary offerings to be sacrificed on that day." The statement in the Mishna, that "on the day before Passover, whether that day happened to be a week-day or a Sabbath, it was slaughtered half an hour after the seventh hour," refers to the paschal lamb, and this is in accordance with the opinions of both R. Ishmael and R. Aqiba. Wherein do they differ? R. Ishmael holds that the time should not be changed on the Sabbath, lest this be done also on the week-days, and thus sufficient time will not be allowed for the vow and voluntary offerings, while R. Aqiba maintains that this precautionary measure is not necessary. If the precautionary measure is not necessary, why should the sacrifice be brought on Sabbath half an hour after the seventh hour? why not a half hour after the sixth hour? R. Aqiba holds, that first the additional Sabbath-sacrifice must be brought in the sixth hour, then the frankincense is burned at the seventh hour, and finally the daily sacrifice half an hour after the seventh hour.

The rabbis taught: Whence do we know that nothing must be offered prior to the daily morning sacrifice? Because it is written [Lev. vi. 5]: "And the priest shall burn wood on it every morning, and he shall lay in order upon it the burnt-offering," which signifies that the (daily) burnt-offering shall be the first to be sacrificed. Is this then conclusive evidence? Said Rabha: "Yea, because it says explicitly *the* burnt-offering, and that means that the daily morning sacrifice should be the first."

Whence do we know that nothing must be sacrificed after the daily evening sacrifice? Because it is written [ibid.]: "And he shall burn thereon the fat of the peace-offerings." How does this signify that nothing shall be sacrificed after the evening sacrifice? Said Rabha: "Because it says *the* peace-

offerings,\* and that means that the peace-offerings shall be the last."

The rabbis taught: "The daily (evening) offering precedes the Passover-sacrifice, and the Passover-sacrifice precedes the burning of the incense, and the incense precedes the lighting of the candles." Why should the Passover-sacrifice follow the daily offering? Because an act concerning which it is written [Deut. xvi. 6]: "There shalt thou slay the Passover (lamb) at evening, at the going down of the sun," and [Exod. xii. 6]: "They shall kill it toward evening," must be accomplished later than an act concerning which it is only written [Numb. xxviii. 4]: "Thou shalt prepare it toward evening."

The rabbis taught: "There is nothing which may be offered up before the daily (morning) sacrifice except incense, which is burnt before the daily sacrifice." (Why is that so?) Because it is written concerning incense [Exod. xxx. 7]: "*Every* morning when he dresseth the lamps shall he burn it," while concerning the daily sacrifice it is only written plainly "in the morning." After the daily evening sacrifice nothing may be offered up except the paschal lamb, and the incense and the lighting of the candles may be accomplished. Also if there happen to be a man who had not yet had the atonement made for him by the priest before taking the legal bath, the offering necessary for the atonement may be sacrificed even after the daily (evening) sacrifice; then the man may go and bathe himself and partake of the paschal lamb.

R. Saphra propounded a contradictory question to Rabha: "It is written [Exod. xxxiv. 25]: 'Neither shall be left unto the morning the sacrifice of the feast of the Passover'; hence the supposition is that, while it must not be left unto the morning, it may be left over the entire night and should be burned at the approach of morning, which is already the festival day, although the sacrifice was offered before the festival; but we find it written further [Numb. xxviii. 10]: 'This is the burnt-offering of Sabbath on every Sabbath,' and does this not signify that only the burnt-offering of the Sabbath may be burned on that day?" Rabha answered: "This question was already propounded to R. Abbahu by R. Abba bar Hyya, and R. Abbahu replied: "The passage quoted [Numb. xxviii. 10] refers

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\* The Hebrew term for peace-offerings is "Hashlomim," and "Hashlom" also signifies "to complete," whence Rabha adduces that the peace-offerings complete the sacrifices for the day and nothing further must be sacrificed.



to an eve of Passover which fell on a Sabbath, and a sacrifice which was offered up on the Sabbath may be burned on a festival." Rejoined R. Saphra: "Because a Sabbath-sacrifice may be burnt on a festival, does that carry with it, that the passage must be construed to refer to a Sabbath which happened to be an eve of Passover?" Rabha replied: "Let the passage be. It is difficult enough to understand at all events, and it will eventually prove to be in accordance with the explanation rendered."

MISHNA: If the Passover-sacrifice had not been slaughtered for the purpose of sacrificing it as a Passover-sacrifice,\* or its blood had not been received for that purpose, or the blood had not been brought to the altar and sprinkled for that purpose, or if one act had been accomplished with it in order to make it a Passover-sacrifice and another not for that purpose, or if the reverse had taken place—it is not valid. How is it to be understood that "one act had been accomplished with it as a Passover-sacrifice and another not for that purpose"? This signifies, that one act had been accomplished with it in order to make it a Passover-sacrifice, and subsequently another act had been accomplished with it in order to make it a peace-offering; and by "if the reverse had taken place" is meant, if at first an act had been accomplished with it in order to make it a peace-offering and another act had subsequently been accomplished with it for the purpose of making it a Passover-offering.

GEMARA: R. Papa propounded a question: "Does the Mishna mean to state that the sacrifice is not valid if the dual intention was carried out even in one act only (*i.e.*, if *f.i.* when slaughtering the lamb the original intention was to have it serve as a paschal sacrifice and subsequently the intention was changed and it was slaughtered for a peace-offering), and thus it is in accordance with the opinion of R. Jose, who maintains that a later intention annuls a previous one; or, does the Mishna mean to state that it is not valid only if the dual intention was divided between two acts (*i.e.*, if *f.i.* the lamb was slaughtered with the intention of making it a paschal sacrifice and its blood was sprinkled for the purpose of making it a peace-offering), and thus it can be even in accordance with R. Meir, who holds that the original intention holds good and cannot be made void by a subsequent intention? Now the question is, does R. Meir hold

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\* The manner of procedure necessary to make a Passover-offering efficacious will be more fully explained in Tract Zeba'him (Sacrifices).

that an original intention holds good only for one act where the intention had subsequently been changed, and maintains that, even if two acts were accomplished with two different intentions, the one accomplished with the original intention supersedes the one committed with the subsequent intention; or does he admit that where two acts are accomplished with different intentions the later annuls the former?"

Now let us see! There can be no question that the Mishna does not consider the case of where an act had been accomplished originally with the intention of having it serve for a peace-offering and then the intention was changed so as to bring the Passover-sacrifice; for in that event, according to both R. Jose and R. Meir, the sacrifice could not be valid as a Passover-sacrifice (it must be borne in mind that R. Jose does not state that a later intention supersedes a former, but that it merely annuls it, and R. Meir holds that the former intention supersedes the later). Thus the question again presents itself whether, if the act had been accomplished first so as to serve as a Passover-offering and was subsequently intended to serve as a peace-offering, does the Mishna refer to a single act embodying both intentions, or is a case referred to where two acts were committed each with a separate intention?

Come and hear: If the blood of the paschal lamb had been sprinkled with the intention to have the lamb serve for those that were to partake thereof and also for those that were not to partake thereof, the sacrifice is valid. Let us see! How was the case? Was the dual intention embodied in two acts, *i.e.*, while the lamb was slaughtered for those who were to partake thereof, the intention was to sprinkle the blood even for those who were not to partake thereof, and sprinkling only is mentioned because that act alone, even if accomplished for another purpose, would not invalidate the sacrifice; if, however, the dual intention was embodied in one act only, say that of slaughtering, *i.e.*, the lamb was slaughtered both for those who were to partake thereof and for others who were not, would that render the sacrifice invalid? This is not so? We know that such a proceeding would not render it invalid? Hence we must say that, as the later (succeeding) Mishna treats only of one act embodying a dual intention, such is also the case with our Mishna above.

This is not conclusive evidence! One (Mishna) may treat of one case and the other of another case. The succeeding

Mishna may deal with one act, while our Mishna may deal either with one or with two acts!

The schoolmen propounded a question: "What is the law concerning a sacrifice which had been offered up at any time during the year (not on the eve of Passover) with the dual intention of having it serve both as the paschal sacrifice and as a peace-offering? Shall we assume, that the latter intention supersedes the former and the sacrifice is valid or not?" When R. Dimi came from Palestine he said: I desired to decide this question before R. Jeremiah in the following manner: "Let us see! As a paschal lamb which was offered up for its proper purpose is thereby made valid for its proper season, and if not offered up for its proper purpose it is made valid when not in its proper season, then, if offered up for its proper purpose, although offered for its proper season, the intention to have it serve not for its proper purpose supersedes the original intention, and the sacrifice is not valid, and consequently the intention to offer it up not for its proper purpose, although it is valid not for its proper season, does not supersede the original intention to have it serve for its proper purpose, and the paschal lamb is not valid." R. Jeremiah, however, answered: "Nay; how canst thou compare the paschal lamb to other sacrifices? (Is it not a fact that, if any ordinary sacrifice is offered up not for its originally intended purpose, the sacrifice itself is nevertheless valid, and the man who brings it must only offer up another to carry out his original purpose, while a paschal lamb, if brought for any other but its actual purpose, becomes absolutely useless and cannot be sacrificed at all.) If the paschal lamb was brought for its proper purpose in its proper time (as is the case in the first instance), a subsequent intention to have it serve another purpose would have rendered it absolutely useless; in the next instance, however, when a sacrifice for a certain purpose was brought at any time of the year, a subsequent intention would not render it useless: then if the sacrifice had been brought with the original intention of having it serve as a peace-offering and subsequently the intention was added to have it serve also as a paschal offering, the sacrifice would nevertheless not become useless; and even if the original intention was to have the sacrifice serve as a paschal offering, from the fact that it was not the proper season it cannot render the sacrifice invalid. Thus the subsequent intention entirely supersedes the original."

Which is, however, the final law? Said Rabha: "A sacri-

fice which had been offered up at any other time of the year (not on the eve of Passover) with the dual intention of having it serve both as a paschal sacrifice and as a peace-offering is valid. Why so? For, let us see how it would be if the paschal lamb were brought at any time other than on the eve of Passover? It would certainly be invalid. If, however, the intention to bring as a Passover-sacrifice were changed to that of bringing it as a peace-offering, it would be valid; thus we must assume that the subsequent intention superseded the original. Therefore if the original intention was to offer it up as a paschal sacrifice, and the intention was added to have it serve as a peace-offering, we must say that in this case the subsequent intention supersedes the original intention, and the sacrifice is valid."

Rejoined R. Ada bar Ahabha: "Perhaps the difference exists, whether the man who brought the sacrifice stated explicitly the purpose for which he brought it, or whether he was silent; for let us see! If he offered up the sacrifice both to serve for those who should partake thereof as well as for those who should not, it is valid; but if he offered it up expressly for those who should not, it is not valid. Why should this be so? Had he offered it up without stating any intention it would certainly be valid, because it would be considered as serving for those who should partake thereof, and consequently we see that there a difference is caused by silence, or the expression of an intention."

Rabha replied: "What comparison is there between the two? If a man brought the paschal lamb without comment, it is until the time of its slaughter considered the Passover-sacrifice. If the man slaughtered it in silence, its condition remains unchanged; but can it be said that those who were to partake thereof were the same at the time of the slaughter as they were previously; for is it not the law that, until the time of slaughtering the lamb, those that were to partake thereof might change their mind and others take their place?"

The schoolmen propounded a question: "What is the law concerning a paschal lamb which had been offered up for its actual purpose at any time during the year but on the eve of Passover, but with a change in the name of the person for whom it was originally intended? Shall we assume that this would be equal to a change in the purpose of the sacrifice only and it would remain valid; or that, having been brought as a paschal offering not in its proper time, it is useless?" Said Rabha:

“ A sacrifice which had changed owners must be considered as being ownerless during the time when it should be offered up and is thus rendered invalid.”

MISHNA: If the paschal lamb were slaughtered for those who will not partake thereof, or for any that do not belong to the persons numbered to eat it, or for the uncircumcised, or for the unclean, it will not be valid; but if it were slaughtered for those who may partake thereof and (at the same time) for those that will not, or for those that are numbered to eat it and also for those that are not, or for the circumcised and also for the uncircumcised, or for the unclean and the clean, it will be valid. If the paschal lamb be slaughtered before noon, it is not valid, because it is written [Exod. xii. 6]: “ Toward the evening.” If it were slaughtered before the continual (evening) offering is brought, it is valid, provided someone had been stirring the blood until that of the continual daily offering was sprinkled; but if the blood (of the paschal lamb) had already been sprinkled (before that of the daily offering) it is nevertheless valid.

GEMARA: The rabbis taught: “ What is meant by ‘ those who will not partake thereof ’? A sick or an aged person. What is meant by ‘ those that were numbered to eat it and those that were not ’? A family for whom the lamb had been slaughtered and another for whom it had not.”

Whence do we adduce this? From the following teaching of the rabbis: It is written [Exod. xii. 4]: “ According to the number of the souls,” whence we infer that the paschal lamb must not be slaughtered except for those who were numbered to eat it. Shall we assume, that one who slaughtered the lamb for those who were not numbered to eat it only fulfilled a religious duty negligently, but the sacrifice is nevertheless valid? To that end the passage reiterates [ibid., ibid.]: “ Shall ye make a count,” which signifies, that otherwise it would be invalid. Rabbi said: Instead of “ make a count ” read “ slaughter it,” because the term “ make a count ” is expressed with “ Thachoso ” and the Syriac term for “ slaughter ” is “ chos,” and thus the passage appears as if one said to the other: “ Slaughter it for me.” Thus we have found the sources whence arises the prohibition to slaughter the lamb for those not numbered to eat it; but whence do we adduce that the lamb must not be slaughtered for those who will not partake thereof? In the same passage it is written: “ Every man according to what he eateth,

shall ye make a count for the lamb''; hence those that partake thereof are accounted the same as those who are numbered to eat it.

If a man slaughtered the lamb for the circumcised only, but intended that the atonement which is made through sprinkling the blood should serve also for the uncircumcised, R. Hisda holds that the sacrifice is not valid, because an intention to serve the uncircumcised invalidates the sprinkling, while Rabba holds that such is not the case.

Said R. Ashi: R. Hisda and Rabba differ concerning the following passage [Lev. i. 4]: "And it shall be accepted for him to make atonement for him." Wherever it is written "for him," it refers to that person only and not also to his companion, and Rabba holds that such is the case only if his companion be in all respects his equal and among those for whom atonement is made; but the uncircumcised, not being in that class, cannot prove an impediment, for he was never thought of. R. Hisda, however, said: "The uncircumcised can be included in that class for whom atonement is made, because should he submit to circumcision he becomes in every respect the man's equal, and the passage which says 'for him' would necessarily exclude him. Thus the supposition that he can be circumcised renders him equal to being so."

Does then R. Hisda hold that the supposition that a thing can be accomplished renders it equal to having been accomplished? Have we not learned (page 74) that he does not admit of that theory? Let us say, then, that he does not hold to the theory of that supposition only in the case of a lenient ordinance, but in the case of one that is rigorous he assents to the same.

R. Huna the son of R. Jehoshua objected: "We have learned: If the paschal lamb, which was over the age of one year and was slaughtered at the proper time and for its proper purpose, and also if a man had slaughtered other animals for the purpose of serving as the paschal offering, at the proper time, R. Eliezer said, the sacrifices are absolutely useless, but R. Jehoshua declares, that the sacrifices are nevertheless valid sacrifices. Now, then, R. Eliezer holds the sacrifices to be useless if they were brought as paschal offerings at the proper time, but if they had not been brought at the proper time he would also admit that they were valid; why does he not hold to the (theory of) *supposition* that the sacrifice had been brought at the

proper time, and consequently hold it to be useless at all times?" Said R. Papa: "In the case of the Passover-sacrifice it is different; for it is written [Exod. xii. 27]: '*It is the sacrifice of the Passover unto the Lord,*' and this signifies, that it should ever remain thus, *i.e.*, it cannot be sacrificed for other purposes, nor can other things be sacrificed in its stead."

Thus, as the Passover-sacrifice if brought in its proper time for other purposes is rendered utterly useless, so other sacrifices if brought in its stead at the proper time are also rendered useless; but, as the Passover-sacrifice if brought for other purposes *not* in its proper time remains a sacrifice nevertheless, so should other sacrifices if brought in its stead *not* at the proper time also be permitted to remain valid.

R. Simlai came to R. Johanan and said to him: "Let Master teach me the contents of the book of ancestry," and R. Johanan asked him: "Whence art thou?" He replied: "From Lydda." "And where dost thou reside?" asked R. Johanan. "In Neherdai," was the reply. R. Johanan then remarked: "The contents of the book of ancestry must not be taught to inhabitants of Lydda or Neherdai, and so much the more thou, who art born in Lydda and residest in Neherdai, shouldst certainly not be taught." R. Simlai, however, was persistent, and persuaded R. Johanan to grant his request, whereupon R. Simlai remarked: "Thou canst teach me the contents of that book in three months." So R. Johanan picked up a clod of soil and threw it at R. Simlai, saying: "If Brurah, the wife of R. Meir, who was also the daughter of R. Hanina ben Tharadion, and who could learn three hundred Halakhas from three hundred great men in one day, could still not master the contents of the book of ancestry in three years, wouldst thou then learn it in three months?"

As R. Johanan was about to leave, R. Simlai said to him: "Rabbi, tell me the meaning of the clause in the Mishna stating, 'if a man slaughtered the Passover-sacrifice for its actual purpose or not for its actual purpose, for those who will partake of it or for those who will not partake of it.' What is the difference, and why is the one sacrifice valid and the other not?" and R. Johanan replied: "Taking into consideration that thou art a young scholar, I will answer thee: If the Passover-sacrifice was offered for its actual purpose or for another purpose the validity of the sacrifice itself is questioned, whereas if it were slaughtered for those who will partake thereof or those that

will not, it does not concern the sacrifice itself. In the first case no distinction can be made as to which part is intended for the one purpose and which for the other, while in the latter instance one may divide the sacrifice and say, 'This part shall serve for those who will partake thereof while the other shall serve for the sick and aged, or the other part will not be given to the sick and aged,' and thus the subsequent intention will be ignored, while in the first instance such would be impossible. The first instance can apply either to an individual or to a congregation, while the latter instance can only apply to a family but not to an individual. Again, the first instance can apply to all the four acts necessary to make it a sacrifice, namely, to the slaughtering, receiving its blood, bringing it to the altar, and sprinkling the blood; but the latter instance cannot apply to all four acts, because we have already learned that in the sprinkling of the blood the partakers of the sacrifice are not considered." (Commenting upon the answer of R. Johanan) R. Ashi said: 'The first two reasons cited by R. Johanan are virtually one and the same thing; for why is 'the validity of the sacrifice itself questioned,' because 'no distinction can be made'?"

Rami bar Judah in the name of Rabh said: "Ever since the book of ancestry was concealed, the power of our sages was on the wane and their eyes were stricken with blindness."

Said Mar Zutra: "The section of Chronicles between the passage concerning Azel and his six sons in the eighth chapter and the same passage in the ninth chapter (see Chronicles viii. 38 and *ibid.* ix. 44) required so much space in the book of ancestry that the material whereon it was written had to be transported by four hundred camels." \*

We have learned in a Boraitha: Anonymous teachers say: "If, when slaughtering the Passover-sacrifice, the intention originally was that it serve for the uncircumcised and subsequently for the circumcised, it is valid. If the reverse was the case, it is not valid."

MISHNA: If a man offer the Passover-sacrifice while still having leaven in his possession, he thereby transgresses a negative commandment. R. Jehudah says: "The same rule applies to the continual daily offering (of that evening)." R. Simeon says: "If the paschal sacrifice was slaughtered for its proper

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\* According to the Aruch the passage commencing with Azel and ending with Azel in the one chapter required so much space, while the version rendered above is according to Rashi.



purpose on the eve of Passover with leaven, the mentioned transgression was committed; but if offered for any other purpose no guilt was incurred. As for other sacrifices, whether they were brought for their proper purposes or not (under their proper denominations or not), no guilt is incurred. If offered as a Passover-sacrifice on that festival, no guilt is incurred; but if offered under any other denomination (not for its proper use) guilt is incurred. As for other sacrifices (offered under the same circumstances during the Passover), a transgression is committed whether they were offered under their proper denominations or not, excepting in the case of the sin-offering, slaughtered not for its actual purpose (because concerning the sin-offering it is expressly written, 'a sin-offering *is it*'; hence if not brought for its actual purpose it cannot be considered a sacrifice at all)."

GEMARA: Said R. Simeon ben Lakish: "No guilt is incurred unless the man slaughtering the lamb, or the one sprinkling the blood, or the one of those who are to partake thereof, have leaven in his possession, and that only if he have it with him in the Temple." R. Johanan, however, said: "Even if he did not have it *with him* in the Temple." Their point of variance is based upon the word "with" (Hebrew (לע) "al"). R. Simeon ben Lakish holds that "with" signifies "near by," while R. Johanan maintains that "with" may also mean, if the man have it in his possession wherever it may be. (The "with" under discussion is that to be found in the passage [Exod. xxxiv. 25]: "Thou shalt not offer the blood of my sacrifice *with* leaven.")

They have already disputed concerning the word "with" elsewhere? Why should their discussion be repeated? For this reason: If they disputed only concerning leaven on the Passover, R. Johanan might say, that leaven being a prohibited thing on that festival, it matters not where it is found, but concerning the cakes of the thanksgiving-offerings, which only become sanctified upon being brought into the Temple, R. Johanan might admit that the thanksgiving-offering would become invalid unless the cakes were brought with it into the Temple; hence it was necessary that R. Johanan should express his opinion to the effect that even in that case "with" signified, if they were in possession of the man bringing the thanksgiving-offering.

If the instance of the cakes only were mentioned, it might be assumed that Resh Lakish only holds that the cakes must

be brought *with* the thanksgiving-offering into the Temple, because they only become sanctified *in* the Temple, while in the case of the leaven, which is a prohibited article on the Passover, he might also admit that, no matter where it was situated, if it was only in possession of the man it would render the sacrifice invalid; hence *his* opinion in this case had to be cited.

R. Oshiya propounded a question to R. Ami: "If the man slaughtering the lamb had not leaven in his possession, but one of the congregation which was to partake thereof had, what is the law?" Said R. Ami: "What question is this? Does the passage then read, 'Thou shalt not sacrifice it with *thy* leaven'; it states explicitly, 'with leaven'?" Rejoined R. Oshiya: "According to thy opinion, then, even if any person had leaven in his possession, even if he were not connected with the sacrifice, is the man sacrificing culpable?" and R. Ami replied: "The passage reads: 'Thou shalt not offer the blood of my sacrifice with leaven; neither shall be left unto the morning the sacrifice of the feast of Passover,' and it signifies that one who can be culpable for leaving that sacrifice until morning is culpable for slaughtering with leaven." Said R. Papa: "Thus if the priest who burns the fat of that sacrifice have leaven in his possession, he is culpable, because the priest is subject to the negative commandment not to leave the fat until morning."

We have learned a Boraitha in support of R. Papa: "If a man slaughter the paschal lamb with leaven, he thereby transgresses a negative commandment provided he himself, or the one who sprinkles the blood, or one of the congregation which is to partake of the lamb have leaven in possession. If any other person, however, have leaven in his possession, it matters not. Thus only the slaughterer, the sprinkler, and the one who burns the fat of the sacrifice are guilty if having leaven in their possession, but not one who on the 14th day (of Nissan) pinches off the head of the fowl, brought as a sacrifice, by the back of its neck." \*

"R. Jehudah says: *This rule applies to the continual daily offering,*" etc. What is the reason for R. Jehudah's statement? Because it is written [Exod. xxiii. 18]: "Thou shalt not offer the blood of *my* sacrifice with leavened bread," and "my" signifies the sacrifice designated especially for the Lord; and which is that? The continual offering (of the evening).

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\* See Levit. v. 8.

“*R. Simeon says,*” etc. What reason has R. Simeon for his statement? From the fact that in the same passage “my” is mentioned twice, one refers to the paschal offering and the other to the other sacrifices. Why, then, did the passage not generalize the sacrifices and use the plural? In order to convey that at the time guilt was incurred on account of the paschal offering through leaven, no guilt was incurred on account of other sacrifices through the same means; but when no guilt was incurred on account of the mentioned sacrifice, it was incurred on account of the others.

“*If offered as a Passover sacrifice on that festival,*” etc. Thus guilt was incurred if the sacrifice was offered expressly for other than the Passover purpose, but if offered in silence no guilt was incurred? Why should this be so? Do we not know that if that sacrifice were brought at any other time of the year in silence it would be considered a peace-offering, and a peace-offering brought on the Passover with leaven would certainly make one culpable? Thus, we infer from R. Simeon’s teaching to the effect that he is not culpable; that if a paschal lamb is brought without comment, it remains just what it is, and if it is intended for a peace-offering, it must be distinctly stated.

Said R. Hyya bar Garuda: “It was decided by the entire assembly that the Mishna should be explained thus: The case treated of is where the congregation were all rendered unclean through a corpse, in which case the Passover was postponed for one month and was called the Second Passover; then if the paschal offering was brought in silence, it was certainly brought as a Passover-sacrifice.”

MISHNA: The Passover-sacrifice was slaughtered for three successive divisions of men, because it is written [Exod. xii. 6]: “The whole *assembly* of the *congregation* of *Israel* shall slaughter it”; (thus three divisions were necessary, according to the expressions) “*assembly*,” “*congregation*,” and “*Israel*.” The first division entered until the court of the Temple was filled, when the doors of the court were closed, and the cornet (horn) sounded Tekiah (one blast), Teruah (a succession of quick blasts), and Tekiah (another blast). The priests then placed themselves in double rows (file), each priest holding either a bowl of silver or a bowl of gold in his hand, but one row of priests had to hold all silver bowls and the other all gold—they were not allowed to be mixed. These bowls had no stands

underneath, so that the priests might not put them down and allow the blood to become coagulated.

The Israelite slaughtered and the priest received the blood and gave it to another priest, who in turn passed it to another, and each receiving a full bowl, at the same time returning an empty one; the priest nearest the altar squirted out the blood in one (continuous) stream at the base of the altar. (This done) the first division went out and the second entered; when that went out, the third entered; in the same manner as the first, so did also the second and third divisions proceed.

The Hallel (prayer of praise) was read (by each division): if they had finished (before completing their duties), they commenced it over again, and might even say it for the third time, although it never happened that there was occasion to say it thrice. R. Jehudah says: "It never happened that the third division read as far as the chapter commencing, 'It is lovely to me, that the Lord heareth my voice' (Psalms cxvi.),\* because they were few in number."

The same things that were done on week-days were also done on the Sabbath, excepting that the priests would on that day wash the court, contrary to the wishes of the sages. R. Jehudah says: "A cup was filled with the mixed blood (of all the sacrifices) and was squirted out in one (continuous) stream on the altar"; but the sages would not admit that such was the case.

In what manner was the paschal sacrifice suspended and its skin removed? Iron hooks were affixed to the walls and pillars, on which the sacrifice was suspended and its skin removed.

Those who could not find a place to do it in that manner used thin, smooth sticks of wood provided there for that purpose, on which they suspended the paschal sacrifice (and resting the sticks) between the shoulders of two persons, to remove the skin. R. Eliezer says: "If the 14th (of Nissan) occurred on a Sabbath, one person would place his left hand on the right shoulder of another, the latter would place his right hand on the left shoulder of the former, and thus suspending the sacrifice on the arms would remove the skin with their right hands."

When the sacrifice had been opened, the pieces which were to be sacrificed on the altar were removed, placed on a large dish, and offered up with incense on the altar. When the first

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\* The Hallel prayer consists of the recital of six chapters of Psalms, from cxiii. to cxviii. incl.

division had gone out (on the Sabbath), they would remain on the mount of the Temple; the second would remain in the open space between the ramparts of the Temple, and the third division remained in its place. As soon as it became dark, they all went out to roast their sacrifices.

GEMARA: R. Itz'hak said: "The paschal sacrifice was not slaughtered unless there were three divisions of thirty men each; why so? Because it is written: 'The whole *assembly* of the *congregation* of *Israel*—thus '*assembly*' means ten men, '*congregation*' ten men, and '*Israel*' also ten men.'" It was doubtful, however, whether the thirty men had to be together, or whether only ten men at a time had to be present. So it was ordered that thirty men should enter, and as soon as ten were ready they went out, and ten others took their place; the next ten then left, and another ten entered; finally, the last thirty men went out together—thus each division numbered fifty men, or all three divisions one hundred and fifty men.

"*The first division entered*," etc. It was taught: Abayi said, "that as soon as the first division entered the doors closed of themselves," while Rabha states, "that the doors were closed (by men), according to the teaching of the Mishna." What is the difference? According to Abayi, who states that the Mishna teaches that the doors closed of themselves, a miracle could be depended upon to gauge the number who were permitted to enter, while Rabha maintains that no miracle was depended upon, but that men appointed for that purpose would see when the court was filled and would then close the doors.

The rabbis taught: It never happened that a man was crushed to death by the vast throng except once during the time of Hillel, when an old man was killed in the crowd. On that account that Passover was called the "crushed Passover."

The rabbis taught: "Agrippa the king once wanted to know how many male Israelites there were. So he told the high-priest to keep account of the paschal lambs. The high-priest then ordered, that one kidney of each paschal lamb be preserved, and it was found that six hundred thousand pairs of kidneys were preserved; and this was twice the number of the Israelites who went out of Egypt. Naturally, this was exclusive of all Israelites who were unclean and could not offer the sacrifice, and all those who lived at a great distance from Jerusalem and were not in duty bound to be present. There was not a single paschal lamb that did not represent at least more than ten persons.

That Passover was ever afterwards known as the 'large Passover.' "

How could the kidneys be preserved? Was it not imperative that they should be offered up on the altar? The kidneys were merely deposited by one priest until another came along and substituted something else in their place.

" *The priests then placed themselves in double rows,*" etc. Why was this done? Shall we assume that, if this were not done, a priest might empty the blood contained in a golden bowl into a silver bowl, and thus degrade the sanctity of the blood of the sacrifice; then might not a priest also empty the contents of a bowl worth two hundred (dinars) into one worth only a hundred, and thus bring about the same condition? Hence we must say, that it was not on that account, but merely for the sake of better appearance.

" *These bowls had no stands underneath,*" etc. The rabbis taught: There were no bowls on the Temple that had any stands except those used to contain the incense which was placed near the showbreads, for had those bowls no stands it was feared that they might fall over on the sides of the showbreads and crush them.

" *The Israelite slaughtered.*" This is related by the Mishna in order to demonstrate that an ordinary Israelite may slaughter.

" *The priest removed the blood,*" etc. This is related in order to inform us that all subsequent acts necessary for the sacrifice were performed by the priests.

" *Gave it to another priest,*" etc. The Mishna teaches us thereby that [Proverbs xiv. 28]: "In the multitude of people is the King's glory."

" *Receiving a full bowl, at the same time returning an empty one.*" This bears out the statement of R. Simeon ben Lakish to the effect that a religious duty must not be passed by; *i.e.*, it must first be accomplished and then transferred to another; but not the reverse.

" *The priest nearest the altar,*" etc. Who is the Tana who holds that the blood of the Passover-sacrifice must be squirted at the base of the altar? Said R. Hisda: "That is R. Jose the Galilean, as we have learned in the following Boraitha: R. Jose the Galilean said: It is written [Numbers xviii. 17]: 'Their blood shalt thou sprinkle upon the altar, and their fat shalt thou burn as a fire-offering,' and as it does not say 'its blood' or 'its fat,' but in the plural, 'their blood' and 'their fat,' it signifies

that the blood of the firstlings and of the first tithes and of the Passover-sacrifice must be sprinkled, and the pieces which must be offered should be offered up on the altar."

Whence do we know, however, that the blood must be squirted at the *base* of the altar? Said R. Elazar: "By means of a comparison by analogy with the case of a burnt-offering, concerning which it is written [Levit. i. 11]: "And the sons of Aaron, the priests, shall sprinkle its blood upon the altar round about." Thus as in the passage quoted above [Numb. xviii. 7] "sprinkling" is also mentioned, the inference is that in both cases the sprinkling must be done at the base of the altar. Whence do we know that the blood of a burnt-offering must be sprinkled at the *base* of the altar? From the passage [ibid. iv. 18]: "And all the blood shall he pour out at the *base* of the altar of burnt-offering."

"*The first division went out,*" etc. We have learned in a Boraitha that the third division was called the "tardy division." Why should this be so? One division had to be the last? Everyone had to strive to be first, as we have learned in a Boraitha: "R. Jose said: The world cannot exist without an apothecary and without a tanner, yet well is to him who follows the profession of an apothecary and woe is to him who follows the calling of a tanner. The world cannot exist without males and females; yet well is to him who hath sons and woe is to him who hath daughters."

"*The priests, etc., would wash the courts, contrary to the wishes of the sages.*" Who were the sages who were opposed to this? Said R. Hisda: "That was only R. Eliezer, for the other sages all held that a rabbinical prohibition was never effective in the Temple." (See Tract Sabbath, page 187.)

"*R. Jehudah says, 'A cup was filled,'*" etc. We have learned in a Boraitha: R. Jehudah said: "A cup was filled with the mixed blood lest the blood of one of the bowls held by the priests be spilled in transit, and thus the sacrifice whence the blood came became invalid." R. Jehudah was asked, however: "Supposing the mixed blood was taken from that which was spilled on the ground and not from that which had been received in the bowls, would this not be unlawful?" and he replied: "I refer only to such as had been received in the bowls."

How could this distinction be made in the midst of such a vast multitude? The priests were very dexterous. If so, why was there fear that the blood of one of the bowls might be

spilled? Just because they were so dexterous, there is all the more reason to assume that in the handling of the bowls some of the blood might be spilt.

Was it not certain, however, that in that mixed blood there was the last (life) blood of the sacrifice (which must not be offered up on the altar)? R. Jehudah holds to his individual theory, that one kind of blood does not interfere with another, and if the proper blood was sprinkled it was sufficient.

“ *The pieces, etc., were placed on a large dish and offered up.*” Did the same person offer it up on the altar? Read in the Mishna: He would place it on a large dish until a priest would come and offer it up.

We have learned in a Boraitha: As soon as a man had finished preparing his sacrifice, he would wrap up in the skin and carry it off. Said R. Elish: This is after the manner of the Ishmaelitish meat-dealers.



## CHAPTER VI.

REGULATIONS CONCERNING ACTS WHICH SUPERSEDE THE DUE OBSERVANCE OF THE SABBATH—THE SACRIFICE OF THE PASCHAL OFFERING—WHAT IS TO BE DONE IF ONE SACRIFICE IS CONFOUNDED WITH ANOTHER.

MISHNA: The following acts necessary for the sacrifice of the paschal offering supersede the due observance of the Sabbath, namely: The slaughtering thereof, the sprinkling of its blood, the removal of its entrails, and the burning of the fat with incense; but the roasting of the sacrifice, as well as the washing of its entrails, does not supersede the due observance of the Sabbath. To carry and bring it beyond the sabbatical legal limits, or to remove a wen (or spreading sore) thereon, is an act which does not supersede the due observance of the Sabbath. R. Eliezer, however, says they do supersede it. "For," said R. Eliezer, "this is surely a logical sequence; if slaughtering an animal, which is prohibited on the Sabbath as being a principal act of labor, is allowed in this instance (of the Passover) and even supersedes the Sabbath, does it not follow that these two acts, which are only prohibited by rabbinical law, should also in this instance supersede the Sabbath?" R. Jehoshua answered and said: "The laws concerning the festival will prove the contrary; for many things prohibited on the Sabbath as being principal acts of labor are nevertheless permitted on the festival,\* while other things which are prohibited by rabbinical law are yet prohibited on the festival."† R. Eliezer replied: "What is the matter with thee, Jehoshua? How canst thou adduce proof from purely voluntary acts (such as cooking) to such as are distinctly prohibited by biblical law?" R. Aqiba then answered: "The act of sprinkling (a person who had become unclean) will prove it; for that is a distinct biblical commandment and is only prohibited on the Sabbath by rab-

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\* Such as cooking, lighting a fire, splitting wood, etc.

† Such as moving things from one legal limit into another without the combination of an Erub. (*Vide* Tract Betza.)

binical law, still it does not supersede the due observance of the Sabbath;\* do not therefore wonder that these acts, which are also religious duties, and are only prohibited on the Sabbath by rabbinical law, should still not be allowed to supersede the Sabbath." R. Eliezer replied, however: "I also adduce my inference from the act of sprinkling, and maintain that if slaughtering, which is prohibited to be done on the Sabbath as a principal act of labor, is in this instance allowed to supersede the due observance of the Sabbath, does it not follow that the sprinkling of a person who had become unclean, and which is only prohibited to be done on Sabbath by rabbinical law, should in so much greater a degree supersede the Sabbath?" But R. Aqiba said: "Rather conclude the reverse: for if the sprinkling, which is only prohibited by rabbinical law, nevertheless does not supersede the Sabbath, does it not follow that slaughtering, which is prohibited as a principal act of labor, should *a fortiori* not supersede the Sabbath?" R. Eliezer then said to him: "Aqiba! wouldst thou then annul what is written in the Scriptures [Numb. ix. 3]: 'Toward evening shall ye prepare it, *at its appointed season*,' (and which signifies) whether it be a week or a Sabbath day?" Rejoined R. Aqiba: "Rabbi, pray adduce a text that prescribes a particular (and appointed) time for the performance of these acts (mentioned in the first part of this Mishna), even as there is one concerning the slaughtering of the paschal sacrifice." The following rule therefore did R. Aqiba lay down: Every act necessary for the paschal sacrifice, which can be accomplished previous to the advent of the Sabbath, does not supersede the due observance of the Sabbath; but as the slaughtering of the paschal lamb cannot be done before the Sabbath, it supersedes the Sabbath.

GEMARA: The rabbis taught: The Halakha in the Mishna was not known to the children of Bathyra; for it once happened that the 14th (of Nissan) occurred on a Sabbath, and they did not know whether the Passover sacrifices superseded the due observance of the Sabbath or not. They therefore commenced to look around for a man who knew the Halakha, and they were told that there was a man who had recently come from Babylon, called Hillel of Babylon, and who had learned under the two greatest men of that generation, namely, Shemaiah

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\* Even if that day be the last day on which an unclean person may be sprinkled, and occur on the 14th (of Nissan), when should he not be sprinkled, he would not be allowed to partake of the paschal lamb.

and Abtalion; he would probably be able to aid them in their dilemma. They sent for him and asked him: "Dost thou know whether the Passover-sacrifice supersedes the Sabbath?" and he answered: "Have we only one Passover-sacrifice that supersedes the Sabbath? are there not over two hundred sacrifices that supersede the Sabbath?" (*i.e.*, the continual daily offerings which are offered twice on the Sabbath and the additional two sacrifices which are brought especially on the Sabbath). But they insisted upon his basing his assertion upon some actual text, and he said: "As it is written concerning the continual daily sacrifice [Numb. xxviii. 2]: 'My offering, etc., shall ye observe to offer unto me in its due season,' and the same term, 'at its appointed season,' is mentioned in connection with the Passover-sacrifice [Numb. ix. 2], therefore both may supersede the Sabbath. Aside from this analogous deduction, there is also an *a fortiori* conclusion; for if on account of the continual daily sacrifice, for the neglect of which the penalty of Kareth is *not* incurred, the Sabbath may be violated, so much the more is this allowed on account of the Passover-sacrifice, for the omission of which the penalty of Kareth *is* incurred." When they heard this, they immediately placed him at their head and made him a prince. Thereupon he sat all day and preached upon the Halakhoth of the Passover.

Subsequently Hillel began to reproach them, and said: "What induced you to set me up as a prince among you? Only your own idleness in not taking advantage of the learning of the two great men of your generation, Shemaiah and Abtalion."

The following question was propounded to Hillel: "What is the law if a man had forgotten to bring the slaughtering knife on the day preceding the Sabbath?" He answered: "I have heard the Halakha but have forgotten it. Leave this, however, to the Israelites themselves, for though they are not prophets they are descendants of prophets, and they will know what to do." On the morrow he noticed that those who brought sheep as a sacrifice had the knife thrust in the wool of the sheep and those that brought goats as a sacrifice had the knife stuck between the horns, whereupon he remembered the Halakha covering the case and exclaimed: "Thus is the tradition which I have received from my masters Shemaiah and Abtalion."

The Master said: It is written, "in its due season," etc. Whence is it adduced, however, that the continual daily sacrifice

supersedes the due observance of the Sabbath? From the passage "in its due season"? Is not the same passage to be found in connection with the paschal offering? Why, then, was the question put concerning the latter, while concerning the former it seemed to be an established fact that the Sabbath might be violated on its account? Certainly such is the case! For it is explicitly stated [Numb. xxviii. 10]: "This is the burnt-offering of the Sabbath on every Sabbath, *besides* the continual burnt-offering and its drink-offerings."

The Master said: "On the morrow those who brought a sheep as their sacrifice had the knife thrust in the wool." Would this not constitute the performance of work with a consecrated thing (which is prohibited)? This is in accordance with the custom of Hillel, concerning whom it is said, that in his time not a single transgression was committed with the consecrated animals, because he instituted the custom that they be brought to the court of the Temple in a non-consecrated state, and consecrated in the court of the Temple.

How can the Passover-sacrifice, however, be brought as an ordinary animal in the Temple on the Sabbath? It is not allowed to consecrate things on the Sabbath? This applies only to ordinary articles which were to be consecrated, but not to such as it was a duty to consecrate; for R. Johanan said, that Passover sacrifices may be consecrated on a Sabbath and a festival sacrifice on a festival.

When bringing the sheep with the knife in its wool, did not that constitute an indirect performance of work on the Sabbath, which, although it was not prohibited by biblical law, was nevertheless prohibited by rabbinical law? This was the question propounded to Hillel, whether an act prohibited only by rabbinical law but not by biblical might be performed on the Sabbath in order to discharge a religious duty, and in answer to which he said that he had forgotten the Halakha, but which he afterwards remembered and decided in the affirmative.

Said R. Jehudah in the name of Rabh: "He who is arrogant, if he be one of the sages his wisdom leaveth him, and if he be a prophet his power of prophecy forsaketh him. If he be a sage his wisdom leaveth him, is aptly illustrated by the case of Hillel, who, as soon as he reproached the people and vaunted his own greatness, when asked concerning a certain Halakha admitted that he had forgotten it; and if he be a prophet his power of prophecy forsaketh him, may be inferred from the case

of Deborah the prophetess, as it is written [Judges v. 7]: 'Desolate were the open towns in Israel, they were desolate until that I arose, Deborah, that I arose a mother in Israel,' while further on it is written [ibid. 12]: 'Awake, awake, Deborah,' whence the conclusion that her power left her, for otherwise the admonition to awake would be unnecessary."

Resh Lakish said: A man who becomes angry, if he be a sage his wisdom leaveth him, and if he be a prophet his power of prophecy forsaketh him. The first instance is illustrated by the case of Moses, as it is written [Numb. xxxi. 14]: "And Moses was wroth with the officers of the host," and further it says [ibid. 21]: "And Elazar the priest said unto the men of the army who had gone to the battle, This is the ordinance of the law which the Lord hath commanded Moses," whence the inference that Elazar said this because Moses must have forgotten it. The second instance is illustrated by the case of Elisha the prophet, as it is written [II Kings iii. 14]: "And Elisha said, As the Lord of hosts liveth, before whom I have stood, surely, were it not that I regard the presence of Jehoshaphat the king of Judah, I would not look toward thee, nor see thee," while in the following passage it is said: "But now bring me a musician. And it came to pass, when the musician played, that the inspiration of the Lord came upon him," whence the conclusion that his power forsook him and could be restored only by the aid of a musician. R. Mani bar Patish said: If a man becomes angry, even if greatness had been predestined for him, it is not granted him, and whence do I adduce this? From the case of Eliab, as it is written [I Samuel xvii. 28]: "And Eliab's anger was kindled against David, and he said, Why didst thou come down hither? and with whom hast thou left those few sheep in the wilderness? I know thy presumption, and the wickedness of thy heart; for in order to see the battle art thou come down," and it is also written, that when Samuel went to anoint one of the sons of Jesse as a king, and the other sons of Jesse were brought before him, he said: "This one also hath the Lord not chosen" [ibid. xvi. 8, 9], while concerning Eliab it is written [ibid. 7]: "But the Lord said unto Samuel, Regard not his appearance, nor the height of his stature; because I have rejected him," whence the conclusion that the Lord had previously intended to have him anointed, but on account of Eliab's anger He had subsequently rejected him.

From what we have learned so far, we know that the contin-

ual daily offering and the Passover-sacrifice supersede the Sabbath, but whence do we know that they also supersede the law of uncleanness? I will tell you! In the same manner as we have deduced (by analogy) from the continual daily offering the law of the Passover-sacrifice, so we deduce from the Passover-sacrifice, which supersedes uncleanness, that the continual daily sacrifice also supersedes uncleanness. Whence do we know that the Passover-sacrifice itself supersedes the law of uncleanness? Said R. Johanan: "Because it is written [Numbers ix. 10]: 'If any man whatever should be unclean by reason of a dead body,' etc., we infer from the term, 'any man whatever,' that only individuals must defer the Passover-sacrifice until the second Passover; but if there is a congregation they should prepare the paschal lamb, notwithstanding the fact that they are unclean."

"*The washing of its entrails.*" What is meant by washing the entrails? Said R. Huna: "The entrails are pricked with a knife and then washed," and R. Hyya bar Rabh says: "They are merely pressed with a knife, and in that manner the filth is removed."

It is written [Isaiah v. 17]: "Then shall the sheep feed according to their wont, and the ruins of the fat ones shall sojourners eat." Said Menasseh bar Jeremiah in the name of Rabh: The term "according to their wont" being expressed by (the Hebrew word) *Kedabram*, and "*Debur*" meaning "speaking," the expression *Kedabram* should be explained to mean, "as they were spoken of." The word "sheep" refers to the Israelites, and thus the passage signifies: "Then shall the Israelites feed as they were spoken of." What was spoken of concerning them? Said Abayi: "By the latter part of that verse and by the 'sojourners' are meant the righteous who at that time were strangers, but in the future they would be the inhabitants and feed on the ruins of the fat ones." Said Rabha to him: This interpretation would be correct if there were not the word "and" between the two passages, but that word gives the latter passage a distinct significance; therefore, said he, the passage will have the meaning given it by R. Hananel in the name of Rabh, who said that in the future the righteous would have the power to arouse the dead; because in this passage quoted it is said: "Then shall the sheep feed according to their wont," and in another passage [Micah vii. 14]: "Let them feed in Bashan and Gilead, as in the days of old." By Bashan is meant Elisha,

the man of Bashan, as it is written [I Chronicles v. 12]: "Yanai and Shaphat in Bashan," and [II Kings iii. 11]: "Elisha the son of Shaphat" (hence Elisha, being the son of Shaphat, was from Bashan). By Gilead is meant Elijah, as it is written [I Kings xvii. 1]: "Elijah the Tishbite, who was of the inhabitants of Gilead" (and both of these prophets Elijah and Elisha roused the dead). Thus the original passage quoted [Isaiah v. 17] should be interpreted as follows: As in the days of old Elijah and Elisha aroused the dead, so will in the future other righteous men also have that power.\*

R. Samuel ben Na'hmeni in the name of R. Jonathan deduces the above conclusion from the passage [Zechariah viii. 4]: "Thus hath said the Lord of Hosts, Again shall there sit old men and women in the streets of Jerusalem, and every one with *staff* in hand because of their multitude of years"; and as it is written [II Kings iv. 29]: "Lay my *staff* upon the face of the lad," the inference that the righteous will have the power to arouse the dead is deduced from the analogy of the two passages, the latter of which deals with the arousing of the dead.

"*The burning of the fat with incense.*" We have learned in a Boraitha: R. Simeon said: "Come and observe how pleasing the fulfilment of a religious duty at its proper time was to them! We well know that the burning of the fat and of certain pieces could be accomplished at any time during the night; still they did not postpone it, but accomplished it immediately."

"*To carry and bring it beyond the sabbatical legal limits.*" (This passage of the Mishna is explained in Tract Erubin, pages 245-246.)

"*For, said R. Eliezer, if slaughtering an animal,*" etc. (What could R. Jehoshua reply to this?) R. Jehoshua holds to his individual theory, that the enjoyment of a festival by feasting and drinking is also a religious duty (as explained in a Boraitha on Tract Betza).†

"*R. Aqiba then answered: The act of sprinkling,*" etc. We have learned in a Boraitha: R. Eliezer said to him: "Aqiba, thou hast refuted my assertion with (the instance of) slaughtering; by slaughter shalt thou suffer death!" Said R. Aqiba: "Rabbi, the time when thou judgest me, do not deny what

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\* This lecture is inserted because in the previous paragraphs sheep were dealt with in connection with the Passover-sacrifice.

† The entire argument concerning the enjoyment of a festival will be brought up at its proper place in Tract Betza (Yom Tob).

thou thyself taughtest me! The tradition I quote comes from thee, that sprinkling (an unclean person) is a rabbinical law and does not supersede the due observance of the Sabbath."

If R. Eliezer actually taught R. Aqiba to this effect, why was he angry with him? R. Eliezer had forgotten that teaching, and R. Aqiba reminded him through his answer. Why did R. Aqiba not say at the time that he had learned it from R. Eliezer? Because it is not seemly that a teacher be told that he had forgotten.

Why should sprinkling not supersede the due observance of the Sabbath; it is only a matter of holding a little water, and if necessary to enable a man to partake of the paschal lamb, why should it not be permitted on the Sabbath? Said Rabha: "The prohibition is merely a precautionary measure, lest a man carry the water four ells in public ground."

According to R. Eliezer, however, who maintains (in Tract Sabbath) that the preparation for the accomplishment of a religious duty supersedes the Sabbath, what matters it if the water was carried four ells in public ground? I will tell you! R. Eliezer in that instance refers to a religious duty which the man is already obliged to discharge, but in this case the man, being still unclean, is not subject to the performance of that duty, but by being sprinkled is merely rendered so, and in such a case R. Eliezer does not apply his decision.

Rabha said: "According to the opinion of R. Eliezer just quoted, it is permitted to heat water on Sabbath for a child who is *healthy*, in order to strengthen it, and then circumcise it, because the child is already subject to the performance of that duty; but if the child is not well, heating water is not permitted, because in such a condition the child is *not* subject to that duty." Replied Rabha: "If the child is healthy, what need is there of heating water for it? Therefore," said he, "with respect to circumcision, all children are considered as being unwell until they are bathed, and are not subject to the duty of circumcision prior to being bathed. Hence no water should be heated for a child who is healthy, according to R. Eliezer, on the Sabbath, but on the preceding day."

"*The following rule therefore did R. Aqiba lay down,*" etc. Said R. Jehudah in the name of Rabh: "The Halakha prevails according to R. Aqiba." Concerning circumcision R. Aqiba laid down the same rule, and R. Jehudah also said in the name of Rabh, that the Halakha prevails according to R. Aqiba. (At



the proper place in Tract Sabbath the reason why R. Aqiba made the rule in both instances is explained, page 295.)

MISHNA: Under what circumstances is it allowed to bring a festal offering in addition to the paschal sacrifice? When the paschal sacrifice is sacrificed on a week-day, when those offering it are legally (ritually) clean, and if it is insufficient for the number appointed to partake thereof. But if it is sacrificed on a Sabbath, if it *is* sufficient for those appointed to eat it, or when those are legally unclean, no festal offering may be brought in addition to the paschal sacrifice. The festal offering may be brought of the flock, of cattle, lambs or goats, and may be either male or female (animals); the time during which it is a duty to consume it is two days and a night.

GEMARA: The Tana who holds that a festal offering must not be brought on the Sabbath is also the same who maintains that bringing or carrying the paschal sacrifice from beyond the sabbatical legal limits does not supersede the due observance of the Sabbath. Thus the statement in our Mishna is merely supplementary to that of the previous Mishna, and signifies that a festal offering may be brought only on a week-day, but it does not supersede the Sabbath.

For what purpose is a festal offering brought generally in addition to the paschal sacrifice? As we have learned in the following Boraitha: "The festal offering which is brought in addition to the paschal offering should be eaten prior to the latter, in order that the paschal offering may be the last to satiate the appetite of those who partake thereof."

"*Two days and a night*," etc. Our Mishna is not in accordance with the opinion of Ben Thamah. We have learned in a Boraitha: Ben Thamah said: "The festal offering brought in addition to the paschal sacrifice is in all respects equal to the paschal sacrifice itself, and should be eaten only in the course of one day and night. The festal offering, however, brought on the 15th (the festival proper) should be consumed during the course of *two* days and one night. The festal offering brought on the 14th with the paschal sacrifice only fulfils the duty of enjoying the festival, but the injunction not to come empty-handed into the Temple is not satisfied thereby. The festal offering brought in addition to the paschal sacrifice must be brought of sheep only, but not of oxen; it must be male and not a female, and not over one year old. It should be consumed in the course of one day and night, and must not be eaten

except it be roasted, and not by any except those appointed to eat the paschal sacrifice."

What is Ben Thamah's reason for this statement? He bases it upon the teaching of Rabh to Hyya the son of Rabh, as follows: It is written [Exod. xxxiv. 25]: "Neither shall be left unto morning the sacrifice of the feast of the Passover." From the fact that the passage states "the feast of the Passover," while it could have merely said "the Passover," it must be assumed that the festal offering brought in addition to the paschal sacrifice is meant, and the verse distinctly states that it must not be left until morning.

We have learned in a Boraitha: Jehudah ben Durthai and his son Durthai severed themselves from the company of the other sages and settled in the South (on account of the decree of the sages to the effect that the festal offering does not supersede the Sabbath). He said to them: "When Elijah will come and ask you why ye did not offer a festal offering on the Sabbath, what will ye answer?" and, moreover, he said: "I am astonished at the two great men of this generation, Shemaiah and Abtalion, who were so wise and such excellent preachers, that they did not teach in Israel that the festal offering supersedes the due observance of the Sabbath."

Said Rabh: What was the basis of Ben Durthai's statement? It is written [Deut. xvi. 2]: "And thou shalt sacrifice the Passover-offering unto the Lord thy God, of sheep and oxen," and this surely cannot refer to the paschal sacrifice alone, which must be brought only of sheep and goats. Hence by "sheep" is meant the paschal sacrifice and by "oxen" the festal offering, and as it says "thou shalt sacrifice," it certainly refers to the Sabbath also. Said R. Ashi: Shall we rack our brains to find justifications for men who had severed themselves from the company of our sages? Therefore say, rather, that the passage just quoted refers to the statement of R. Na'hman, who said in the name of Rabba bar Abbahu: Whence do we know that such sheep as had been left over from those which had been separated as paschal sacrifices may be brought as peace-offerings? Because it is written: "Thou shalt sacrifice the Passover-offering unto the Lord thy God, of sheep and oxen," and this surely cannot refer to the paschal sacrifice alone, which must be brought only of sheep or goats. Hence we must say that whatever remains over from the paschal sacrifice may be used for such sacrifices as can be brought either from sheep or oxen.

Why does the festal offering in reality not supersede the Sabbath, according to the decree of the sages? Is it not a congregational sacrifice, and as such privileged to supersede the observance of the Sabbath? Said R. Ilayi in the name of R. Jehudah ben Saphra: It is written [Levit. xxiii. 41]: "And ye shall keep it as a feast unto the Lord seven days in the year." The Feast of Tabernacles (to which this passage refers) is, however, to be observed eight days? Hence we must assume that the festal offering does not supersede the observance of the Sabbath, and (leaving out the Sabbath in consequence) there are only seven days left.

When Rabhin came from Palestine he said: "I once said in the presence of my masters that the Feast of Tabernacles may sometimes last only six days. If, *f.i.*, the first day occurs on Sabbath, the last day would also be Sabbath, and as it is not allowed to bring festive offerings on those days, the festival lasts only six days."\*

Said Abayi: "This statement could not have been made by Rabhin (R. Abhin), but rather by Abhin Thekla (Thekla means one who is childless or has lost his children), because it cannot stand; for eight feast days can never occur in succession, as one must be a Sabbath; seven feast days are the rule, whereas it seldom happens that there should be only six."†

Ula said in the name of R. Elazar: A peace-offering brought on the eve of Passover cannot serve for the fulfilment of the duty of rejoicing on the festival nor for the festal offering to be brought with the paschal sacrifice. The first duty is not discharged, because it is written [Deut. xxvii. 7]: "And thou shalt slay peace-offerings, and eat them there, and thou shalt rejoice before the Lord thy God." Hence the peace-offering must be slain when the time for rejoicing had already arrived, *i.e.*, on the festival; but on the *eve* of Passover it had not yet arrived. The second duty is not acquitted, because a festive offering must be brought of ordinary animals and not of consecrated,

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\* This statement of Rabhin is virtually a refutation of R. Ilayi's inference that the Feast of Tabernacles lasts only seven days, because the Sabbath, on which no festive offering is brought, is not counted—by stating that at times the Feast could last only six days.

† The original text only reads: "Could Abhin Thekla have said this?" In the commentary of Solomon Lurie, entitled "Yam shel Shlomo," it is stated, and rightly so, that Abayi would not have spoken so disrespectfully of Rabhin, who lived generations before him and was a great man, and hence the explanation rendered by us is given.

and an animal brought as a peace-offering is already consecrated.

When Rabhin came from Palestine, he said, however, in the name of R. Elazar: "A peace-offering brought on the eve of Passover fulfils the duty of rejoicing on the festival, as it need not be brought at the time when rejoicing is already a duty but may be brought previously; but it does *not* fulfil the duty of bringing the festal offering, because it is consecrated, and the festal offering must be brought of non-consecrated (ordinary) animals."

An objection was made: It is written [Deut. xvi. 15]: "And thou shalt only rejoice," and this is an additional behest to rejoice also on the night of the last day of the festival. Perhaps this additional behest refers to the first night? The word "only" in the passage makes the distinction, and confirms the view that it means the last night. Hence we must assume that on the first night rejoicing is not possible, because there was nothing to rejoice with; *i.e.*, the peace-offering was not yet permitted to be slaughtered and the flesh (with which it is necessary to celebrate the festival) could not yet be had. (Is this not contradictory to Rabhin's decree?)

Nay; the reason the first night is not included in the additional behest is as is taught in the following Boraitha: Why is the last night of the festival included in the additional behest and the first night excluded? The last night was preceded by rejoicing and is for that reason included, while the first night was preceded by ordinary days and is for that reason excluded.

R. Kahana said: "Whence do we know that the pieces of the festal offering which was sacrificed on the 15th day (*i.e.*, the festival proper) are invalid if allowed to remain until morning? Because it is written [Exod. xxiii. 18]: 'Neither shall the fat of my festive sacrifice remain until morning,' and immediately following this it is written: 'The first,' etc., whence we adduce that the morning must be the first and not the second morning."

R. Joseph opposed this: "So it is only because the subsequent verse commences with 'the first' that the pieces of the festal offering may remain only until the first morning, but if the verse did not commence with 'the first' it would be allowed to leave them even until the second morning? Can it be that the pieces of a sacrifice the flesh of which becomes useless in the

night of the day it was offered may remain even until the second morning?" Rejoined Abayi: "Why not? Do we not find in the case of the paschal offering, according to the opinion of R. Elazar ben Azariah, that while the flesh thereof becomes invalid in the middle of the night, the pieces to be offered up become invalid only in the morning?"

Rabha answered: "R. Joseph means to ask, 'Where do we find an instance of where the Tana dispenses with a passage referring to the flesh, whereas R. Kahana brings a passage regarding the pieces of the sacrifice.'"

MISHNA: If a person brought a paschal sacrifice on the Sabbath, not for its proper purpose, he is obliged to bring a sin-offering in expiation. If he slaughtered other sacrifices to serve as a paschal offering, if they were such that they could not be suitable for the paschal sacrifice, he is guilty; but if they were suitable for that purpose, R. Eliezer declares him culpable, but R. Jehoshua declares him free. For thus argues R. Eliezer: If a person is held to be culpable for changing the name (denomination) of the paschal sacrifice, which he is allowed to slaughter on Sabbath, does it not follow that if he brought sacrifices which were in themselves prohibited to be brought on the Sabbath, under another denomination, that he must in so much greater a degree be considered culpable? To this R. Jehoshua replied: "Nay; we cannot apply the decree concerning a sacrifice which was changed to what was prohibited to offer on the Sabbath, to other sacrifices which had been changed to that which was permitted to be brought on the Sabbath." R. Eliezer replied: "The offerings brought for the whole congregation of Israel shall prove my assertion, for it is lawful to offer them on the Sabbath for their proper purpose; yet whoever brings other sacrifices under their denomination is held to be guilty." Then R. Jehoshua rejoined: "Nay; we cannot apply the decree concerning the offerings of the whole congregation, which have a determinate number, to the paschal sacrifices, which have no determinate number." R. Meir said: One who also offers on the Sabbath other offerings under the denomination of those of the congregation is absolved.

If a person slaughtered the paschal sacrifice for those who will not partake thereof, or for persons who are not appointed to partake thereof, and for uncircumcised and unclean persons, he is culpable; but if he had slaughtered it for those who will and also for those who will not partake thereof, for those appointed

to eat it and for those who are not, for circumcised as well as for uncircumcised, or for clean and also for unclean persons, he is absolved.

If one slaughtered (the paschal lamb) and a blemish was found thereon, he is culpable; but if, after being slaughtered, it was found to be Trepah (prohibited to be eaten) on account of inward blemishes, he is not culpable. If after slaughtering (the lamb) the man was advised that the participants had withdrawn themselves from it, or had died, or become defiled, he is absolved, because when he slaughtered it, it was under lawful circumstances.

GEMARA: How is the case to be considered concerning the man who brought a paschal sacrifice not for its proper purpose? Shall we assume that he made a mistake (and thought that he was slaughtering another sacrifice), and still he is held culpable? Whence the inference that the denomination of a thing may also be annulled through error; but this is not so. Therefore it must be assumed that there was no error, but that the man intentionally sacrificed the paschal offering for another purpose (*f.i.*, for a peace-offering); if so, how will the latter clause, to the effect that if he slaughtered other sacrifices to serve for a paschal offering and they were suitable for a paschal offering, R. Jehoshua declares him free, be consistent; for if he did so intentionally, what difference does it make whether the sacrifices were suitable or not, the fact that he sacrificed them on the Sabbath remains—how then could R. Jehoshua declare him free? Hence it must be assumed that this latter clause refers to one who did so through error, and in such an event the first clause of the Mishna will treat of an intentional case while the next clause will refer to an act committed through error? Said R. Abin: "Such is indeed the case."

R. Itz'hak bar Joseph found R. Abbahu standing amongst a crowd of men in a room and asked him how this Mishna should be understood, and he answered: "The first clause deals with an intentional case and the next clause with an erroneous commission of an act." R. Itz'hak learned this from R. Abbahu forty times, and he then retained it forever.

An objection was made, based upon the Mishna where R. Eliezer said to R. Jehoshua: "If a person is held to be culpable for changing the denomination of the paschal sacrifice," etc. If, however, the first clause treats of an intentional case and the next clause of a case of error, would not R. Eliezer's argument

be sufficiently answered by R. Jehoshua simply claiming that the man is free because he committed the deed through error? R. Jehoshua meant to state: According to my opinion, thy argument does not hold good, from the very fact that I hold a man to be free if he committed the deed by mistake; but even according to thy opinion, that a man is also culpable when committing an act through error, thy argument is not effective, for in the first instance the sacrifice was changed to an offering which is prohibited to be brought on Sabbath, while in the second instance the sacrifice was changed to one which might be brought on Sabbath.

R. Eliezer replied: "The offerings brought for the whole congregation of Israel shall prove my assertion, for it is lawful to offer them on the Sabbath for their proper purpose; yet whoever brings other sacrifices under their denomination is held to be guilty." Then R. Jehoshua rejoined: "We cannot apply the decree concerning the offerings of the whole congregation, which have a determinate number, to the paschal sacrifices, which have no determinate number." Shall we then assume, that where there is a determinate number R. Jehoshua holds a man to be culpable; have we not learned in the case of where two children were to be circumcised, one on the eve of Sabbath and the other on the Sabbath, and by mistake the father had the one to be circumcised on the eve of Sabbath circumcised on the Sabbath, R. Jehoshua declared him free, although there was just *one* (i.e., a determinate number) to be circumcised on Sabbath? Said R. Ami: "The case of the two children to be circumcised was as follows: One of them was to be circumcised on the Sabbath and the other on the eve of Sabbath. When the Sabbath had arrived neither one was yet circumcised, and the father by mistake had the one who was to have been circumcised on the preceding day circumcised on the Sabbath. In doing this he was confused in the performance of a religious duty, however, and for that reason R. Jehoshua declares him free, while in the case of the offerings for the congregation the actual offerings to be brought had already been sacrificed and the man who brought other offerings under their denomination did so when the religious duty had already been fulfilled, and for that reason he is held to be culpable."

What about R. Meir? Does he declare a man free who had offered other sacrifices under the denomination of those of the congregation, even if the actual congregational offerings had

already been sacrificed? From R. Meir's explanation\* (Sabbath, page 306), according to the teaching of R. Hyya of the city of Abel Arab, however, of the dispute between R. Eliezer and R. Jehoshua, do we not see that such is not the case? Said the disciples of R. Janai: In the case of the circumcision R. Meir means to state that the child to be circumcised on the Sabbath had already been circumcised on the eve of Sabbath, and thus no child was left to make it obligatory to violate the Sabbath on its account, hence R. Jehoshua declares the man culpable; but in this case, where the Sabbath would be violated for a congregational sacrifice, R. Meir holds that any other sacrifices brought under that denomination are brought with the intention of fulfilling a religious duty, and for that reason they do not make a man culpable.

Said R. Ashi to R. Kahana: "Why should this latter case differ from the former; if a Sabbath may be violated for other congregational sacrifices, it may surely be violated also for other children who are to be circumcised on that day?" R. Kahana replied: "In that particular instance the Sabbath could not be violated by the father of the children, because he had no child for whom this would have been necessary, while the instance of the congregational sacrifice embodies a multitude of men and applies to all alike."

"*If a person slaughtered the paschal lamb for those who will not partake thereof,*" etc. Is this not self-evident? We well know that if a man slaughtered on an ordinary Passover-day a sacrifice for those who will not partake thereof the sacrifice is invalid; surely, then, if he did so on a Sabbath which was also Passover, he is culpable! Because the latter clause, concerning one who slaughters a sacrifice for those who will and those who will not partake thereof, teaches that the man is *not* culpable, it also cites the instance of where he *is* culpable. Is this latter case not self-evident? If the sacrifice was offered on an ordinary Passover-day under the same circumstances, we know that it is valid; surely, then, a man is not culpable if he offers it on Sabbath! Hence we must assume that because the Mishna commences with an instance of where the sacrifice was brought not for its proper purpose, it also mentions the case of where it was brought for those who will not partake of it.

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\* In the Boraitha of R. Meir's explanation, Sabbath, 30, last paragraph before the Mishna, the words "taught R. Hyya" are missing. Here, however, it says, "R. Hyya of Abel Arab," which in the original of Sabbath is not mentioned at all.



For what purpose was the original clause in the Mishna cited? In order to quote the dispute between R. Eliezer and R. Jehoshua.

*"If after slaughtering the man was advised that the participants had withdrawn,"* etc. R. Huna said in the name of Rabb: "A trespass-offering which became ownerless (when it must be allowed to feed until it receive a blemish) and was slaughtered without its being stated for what purpose, is valid as a burnt-offering." Thus we see that it is not absolutely necessary to annul its original denomination in order to make it valid for another, but it may be offered up without comment.—Why, then, should it be necessary to allow it to feed until it receives a blemish, would it not be valid if, for instance, the owner had offered up something in its place and immediately offered *it* up without comment? This is merely a precautionary measure, to prevent a man from offering up a trespass-offering which was not yet substituted by another offering.

R. Hisda objected to R. Huna, and based his objection upon our Mishna, which says: If after slaughtering (the lamb) the man was advised that the participants had withdrawn themselves from it, he is absolved, because when he slaughtered it, it was under lawful circumstances; and a Boraitha teaches, that if a case like this happen on an ordinary Passover-day and not on a Sabbath, the sacrifice must be immediately burned. This would be perfectly proper if the original denomination of the sacrifice had to be plainly annulled, because, as long as its denomination is not annulled, a paschal offering remains what it is, and if it have no owner it must be immediately burned, because it becomes of itself invalid; but if the denomination need not be plainly annulled and if sacrificed without comment it is of itself changed into a peace-offering, then it becomes invalid, not because the invalidity is contained in itself, but because it was offered after the continual daily offering (of the evening), and we well know that in such an event the offering must not immediately be burned, but must be left until morning and then burned. Why, then, does the Boraitha decree that it must be immediately burned?

R. Joseph the son of R. Sala the Pious explained before R. Papa that the Boraitha is in accord with the opinion of Joseph ben Hunai, as we have learned in a Mishna: Joseph ben Hunai said: All sacrifices offered under the denomination of a paschal offering or a sin-offering are invalid. Whence we see that the

invalidity is contained in itself and does not arise on account of other circumstances. For that reason the Boraitha decrees that it must be immediately burned. So far as the commission of an act through error is concerned, Joseph ben Hunai holds with R. Jehoshua, and absolves the culprit.

## CHAPTER VII.

REGULATIONS CONCERNING THE ROASTING OF THE PASCHAL LAMB—  
THE MANNER OF PROCEDURE IF THE PASCHAL LAMB BECOME  
DEFILED—WHICH PARTS OF THE LAMB ARE EATEN.

MISHNA: How should the paschal lamb be roasted? A spit made of the wood of the pomegranate-tree should be taken, put in at the mouth (of the lamb or kid), and brought out again at the vent thereof. Its legs and entrails should be placed inside, according to R. Jose the Galilean; but R. Aqiba said: This would be a kind of boiling, and for that reason they ought to be suspended on the outside (of the lamb). The paschal sacrifice must not be roasted on an iron roasting spit, nor on a gridiron. Zadok related that Rabbon Gamaliel once said to his bondsman Tabbi: "Go and roast for us the paschal sacrifice on a gridiron."

GEMARA: Why should the spit be made of wood? Let it be an iron spit. Naÿ; when part of an iron spit is heated the entire spit becomes hot, and in consequence the flesh nearest the spit will be cooked by the heat thereof; but the Scriptures distinctly ordain that the lamb must be roasted over a fire, and not otherwise.

Why not use the wood of a date-tree? On account of the bark, which contains water, and when heated the water thereof will be the means of cooking part of the lamb, and this must not take place. Our Mishna is not in conformity with the opinion of R. Jehudah, who said that, as a wooden spit is not burnt while the lamb is being roasted, so also an iron spit will not become sufficiently heated to cook the flesh adjoining it. He was told, however, that while a wooden spit only becomes heated locally, an iron spit when partially heated becomes so throughout.

"*The legs and entrails are placed inside,*" etc. We have learned in a Boraitha that R. Ishmael calls a lamb roasted in that wise a sizzling roast and R. Tarphon calls it a whole roast. The rabbis taught: What is called a roasted goat which must

not be eaten nowadays on the first night of Passover (outside of the Temple)? One that has been roasted whole; but if one of the members was detached or boiled and the remaining part roasted, it may be eaten, because then it is not considered a roasted goat. R. Shesheth said: "Even if a member was cooked (boiled) while still attached to the body of the goat and the remainder was roasted, it may also be eaten, and is not called a roasted goat."

Said Rabba: "If the lamb was stuffed with flour it may be eaten, even if it was not salted prior to being roasted." Rejoined Abayi: "Will not the filling absorb the blood in that event?" And Rabba replied: "Yea; but as soon as the roasting commences the blood recedes from the flour and is consumed by the fire."

Rabhin the Elder stuffed a dove with flour for Rabh, and the latter said: "If it is toothsome, give me a piece and I shall eat it."

We know, however, that, when Rabha was served with a stuffed duck at the house of Exilarch, he said: "If I did not see that the filling is as white as white glass I should not eat it." Now if it is a fact, as Rabba maintained, that during the roasting the blood recedes from the filling, why should Rabha have made that assertion—what difference does it make whether the filling was white or not? In this case the filling was made of coarser meal, which after absorbing the blood is not so easily purged thereof; hence it was necessary for Rabha to see whether the filling was white or not.

The Halakha in this case prevails as follows: "Where fine meal is used it makes no difference whether it had remained white or become red. If coarse meal was used it may be eaten only if it remained as white as white glass, while if any other kind of meal was used it may be eaten if it remains white, but not if it become red (or discolored). Even if a lamb (or goat) was roasted upside down (so that the blood could not escape through its mouth), it may also be eaten; but concerning half-roasted meat, the testicles of a ram, and the muscles of the neck of a lamb there is a difference of opinion between R. A'ha and Rabhina. [In all cases of law, where R. A'ha and Rabhina dispute, R. A'ha upholds the more rigorous decrees and Rabhina the more lenient, and the Halakha prevails according to Rabhina; but in the above three instances R. A'ha inclines towards the more lenient ordinance and Rabhina to the more rigorous, and

the Halakha prevails according to R. A'ha.]. If half-roasted meat, which was dripping with blood, was subsequently salted it may even be boiled. If it was roasted on a spit it is also fit, but if it was roasted on live coals there is again a difference of opinion between R. A'ha and Rabbina. One maintains that it must not be used, because the blood remains in the meat, while the other holds that the blood escapes, and the meat is therefore fit to eat. The Halakha prevails according to the latter opinion.

The same case applies to the testicles of a ram. If they were cut up and salted, they may be cooked in a pot; and if they were roasted on a spit without being cut up and salted, they are still fit to eat, because the blood has been consumed by the fire; but if they were cooked over live coals, then is again the same difference of opinion between R. A'ha and Rabbina, and the Halakha prevails that they may be eaten.

Said Mar the son of Ameimar to R. Ashi: "My father would drink the juice of such meat." According to another version, R. Ashi himself would do this, and Mar the son of Ameimar said to him: "My father used to say that vinegar in which meat had been steeped once, must not be used for the same purpose again, because it is diluted." What about diluted vinegar itself, why may that be used? Vinegar, even if it be weak, still retains its original acidity, and stops the flow of blood in the meat, but vinegar which has been diluted by steeping meat therein has lost its acidity and cannot therefore be used.

"*The paschal sacrifice must not be roasted, etc., on a gridiron,*" etc. Does R. Zadok relate this instance (in the Mishna) of Rabbon Gamaliel as a contradiction to the Mishna? The Mishna is not complete, and should read: "If the gridiron, however, is perforated, it may be used for that purpose, as R. Zadok related that Rabbon Gamaliel," etc. (*vide* Mishna).

The rabbis taught: If the paschal lamb was cut up and placed over coals. Said Rabbi: "I say, that this is equal to roasting it over a fire." Rabha contradicted this saying: How can it be said that Rabbi calls coals "fire"? have we not learned that the passage [Lev. xvi. 12]: "And he shall take a censer full of burning coals of fire," means, that coals which have already become dim must not be used, because it says "coals of fire," and that a flame of fire should not be used, because of the term "coals of fire"? And R. Shesheth explained: Thus we see that live coals are meant, and that a distinction is made between fire and live coals." How then can Rabbi hold that

even live coals are equal to fire? Said Rabha: Therefore, the statement of the rabbis must be explained thus: It is written "coals," and lest we assume that dim coals be meant, it is written "coals of fire." We might, however, assume that half coals and the other half fire should be brought, and by the time they are brought they will become coals entirely, hence it is said [ibid.] "coals of fire from off the altar," which signifies that when taken from the altar they should be coals already.

MISHNA: If any part of the roasted lamb had touched the earthenware oven on which it was roasted, that part must be pared off. If the fat dripping from the lamb had fallen on the oven and then had again fallen on the lamb, the part of the lamb touched must be cut out. If the dripping, however, fell on fine flour, a handful of that flour must be taken (and burned). If the paschal sacrifice had been anointed (basted) with consecrated oil of heave-offering and the company appointed to partake thereof consist of priests, they are allowed to eat it; but if the company consist of Israelites, they must wash it off the lamb if yet raw. Should the lamb have been already roasted, they must pare off the outward skin. If it had been anointed with oil of second tithe, its value must not be charged to the company in money, because it is not lawful to redeem and sell it in Jerusalem.\*

GEMARA: It was taught: All agree, that if warm (meat) fall into warm (milk) both are rendered prohibited (for use). Cold (meat) in cold (milk), all agree, is *not* rendered prohibited; but if warm (meat) fell into cold (milk) or cold (milk) fell on warm (meat), Rabh said that the thing falling on top supersedes that on the bottom, and hence both may be used or are prohibited as the case may be; but Samuel said, on the contrary, that the thing on the bottom virtually absorbs that on top. An objection was made, based upon the Mishna: "If the fat dripping from the lamb had fallen on the oven, etc., the part of the lamb touched must be cut out." At the first glance, it might be assumed that the oven in question was cold. This would be correct according to Rabh, who holds that the thing falling on top supersedes that originally at the bottom; and thus the oven, becoming in turn hot, causes the fat to boil. When the fat again falls on the lamb, the latter becomes roasted by the heat of the oven; and as the passage states that it should be roasted

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\* Where alone the paschal sacrifice may be brought and eaten.

by fire only, the part of the lamb touched must therefore be cut out. But according to Samuel, who holds that a thing originally on bottom absorbs that falling on top, when the fat touches the oven, the fat becomes cold; consequently, when it again falls on the lamb, the lamb is not affected. Therefore, why should the part touched be cut out? Nay; the Mishna refers to a hot oven. (The same objection was made also to the latter part of the Mishna, which refers to the fat dripping on the flour, and the answer is similar.)

We have learned in a Boraitha in support of Samuel's contention, viz.: Warm falling on warm renders both prohibited. Cold falling on warm does likewise. Warm (meat) falling into cold (milk), it is only necessary to pare off the outer skin of the meat and it may be used. If cold (meat) had fallen into cold (milk), it need only be rinsed.

We have learned in another Boraitha: (Smoking) hot meat falling into (boiling) hot milk renders both prohibited. Cold (meat) in hot milk does likewise. If hot (meat) fall into cold milk, its outer skin must be pared off. Cold (meat) falling into cold (milk) need only be rinsed.

Rabh said: "(Ritually) slaughtered fat meat, if roasted together with lean meat of carrion, must not be eaten, because one draws the juice of the other." Levi, however, said: "Even slaughtered lean meat roasted together with fat meat of carrion may be eaten, because it only draws the odor of the fat meat, and that does not interfere with it."

Levi acted in accordance with his decision in the house of the Exilarch, where a goat and a sucking pig were roasted together.

An objection was made: We have learned that two paschal offerings must not be roasted together, lest they become mixed. Must we not assume that the reason is, that the taste of one will be affected by the other, and thus contradict Levi's opinion? Nay; the reason is, that there is fear of the offerings themselves becoming mixed so that their respective owners will not be able to distinguish them. This view seems to be the correct one, because it is taught further that even a lamb and a goat must not be roasted together (if they were paschal offerings), and if the reason therefor is that there is fear lest the offerings become mixed, the teaching is correct and is merely a precaution against roasting two lambs or two goats together. If, however, the reason were to prevent the taste of either being affected by the other, what difference would it make whether

a lamb and a goat, or two of either species, be roasted together?

Shall we say, that this is also a contradiction to Rabh's opinion? Said R. Jeremiah: "The case concerning the two paschal offerings which were roasted together refers to an instance of where they were roasted apparently in separate vessels, *i.e.*, over two fires which were separated by a heap of coals, and we should learn thus: Two paschal offerings must not be roasted together on account of one affecting the taste of the other; nor should they be roasted together even when separated as mentioned, for fear of mixing them so that their owners will not be able to distinguish them, even if the two offerings consisted of a lamb and a goat."

R. Kahana the son of R. Hinana the Elder taught: "If bread was baked and meat was roasted in one oven, the bread must not be eaten with Kutach."

It happened that fish was broiled together with meat, and Rabha of the city of Parzizaia prohibited it to be eaten with Kutach. Mar the son of R. Ashi, however, said: "It should not even be eaten with salt, because it produces a bad odor and is the cause of sores."

MISHNA: Five kinds of sacrifices may be brought, even if those who offer them should be in a state of ritual uncleanness; but they should not be eaten by those who offer them while in that condition. They are: The "Omer" (sheaf-offering), the two loaves (of Pentecost), the showbreads (of the Sabbath), the peace-offerings of the congregation, and the he-goats offered on the Feast of the New Moon; the paschal offerings, however, which were sacrificed by men in a state of ritual uncleanness, might also be eaten by them, though they (the men) still be in that condition, because the main object of the commandment concerning the paschal offering was that it should be eaten.

GEMARA: The Mishna mentions five sacrifices; which does it intend to exclude? It means to exclude the festal offering brought on the festival itself (15th of Nisan); for it might be assumed that this offering being a congregational sacrifice and also being one which was appointed for a certain time, it should also be eaten even by a man in a (ritually) unclean state; hence we are taught that, as the festival may be extended over seven days, and in consequence does not supersede the due observance of the Sabbath, it does not also supersede the law of uncleanness.



Why does the Mishna not enumerate also the he-goat brought as a sin-offering on every festival? It *does* enumerate it, by including it in the peace-offerings of the congregation. Why, then, is the he-goat offered on the Feast of the New Moon enumerated separately? Let that also be included in the congregational offerings! Special mention must be made of the latter, because it might be assumed that the Feast of the New Moon is not a festival, and as a consequence the offering of that day does not supersede the law of uncleanness. Hence we are taught, that the Feast of the New Moon is also a festival and the he-goat sacrifice does supersede the laws of uncleanness.

Whence do we adduce the several teachings of the Mishna? From the following: The rabbis taught: It is written [Levit. xxiii. 44]: "And Moses declared the feasts of the Lord unto the children of Israel." For what purpose is this written? Because the entire chapter [ibid. xxiii.] deals with the paschal offering and the continual daily offerings, concerning which it states "at their appointed seasons," signifying, that they supersede both the observance of the Sabbath and the laws of uncleanness; but whence do we know that the same rule applies to other congregational sacrifices? To that end, it is written [Numb. xxix. 39]: "These shall ye prepare unto the Lord on your appointed festivals." Whence do we adduce, however, that the Omer (sheaf-offering) and the showbreads, together with their adjuncts, are also included in the rule? The above passage: "Moses declared the feast of the Lord," etc., implies, that Moses appointed a fixed time for all festivals and made them all equal.

From the above adductions the schoolmen reasoned, that all agree upon the fact that the law of uncleanness had only been temporarily set aside for congregational purposes, but not that it had been abrogated entirely, and also that the plate worn by the high-priest (through which he atoned for the sins of the community)\* was brought in requisition to atone for the transgression of the law regarding uncleanness; for there cannot be found one Tana who holds that the said law was abrogated entirely, with the exception of R. Jehudah. They also assumed, that the plate of the high-priest atoned for the sacrifice of an unclean thing, but not for the transgression committed by eating an unclean thing; for there cannot be found one Tana who

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\* *Vide* Levit. xxviii. 38.

holds that the plate can atone for sins committed through eating, excepting R. Eliezer.

Shall we assume, therefore, that our Mishna is not in accordance with R. Jehoshua, as we have learned in a Boraitha: It is written [Deut. xii. 27]: "And thou shalt offer thy burnt offerings, the flesh and the blood," etc. Said R. Jehoshua: "If there is no flesh there is no blood, and if there is no blood there is no flesh" (meaning, if one or the other had become unclean or was lost, the remaining thing is useless). Thus, if it be true that the plate of the high-priest does not atone for sins committed through eating, will it not be evident that even the paschal sacrifice must *not* be brought in a state of uncleanness, because it must not be eaten? The Mishna may be even in accordance with R. Jehoshua, who maintains further on that, though there be only sacrificial fat of the size of an olive left on the altar, the blood of that sacrifice may be sprinkled, and also that the plate of the high-priest atones for the offerings, parts of which are brought on the altar and which were offered in an unclean state. This would only apply, however, to those offerings of which certain parts were brought on the altar; how will it be in the case of the Omer and the showbreads, no parts of which are ever brought on the altar? Therefore we must assume the following: The Mishna *is* in accordance with R. Jehoshua, but his prohibitory decision applies only to the performance of acts to commence with. If, however, the deed was accomplished, R. Jehoshua also admits that the act is valid. Whence do we adduce that R. Jehoshua holds to the distinction between the performance of an act to commence with and one already accomplished? From the following Boraitha: "If flesh had become unclean or it became unfit for use by virtue of its having come in contact with a man who had bathed, but upon whom the sun had not yet set, or it had become unfit for use by protruding from its proper receptacle, R. Eliezer holds that the blood thereof may be sprinkled, but R. Jehoshua maintains that it must not. The latter admits, however, that if the sprinkling had already been accomplished it is atoned for."

Our Mishna, however, deals with the performance of acts to commence with, because it distinctly states: "Five kinds of sacrifices may be brought"? Therefore we must render another explanation; namely, R. Jehoshua applies his decision only to the cases of individuals, but where congregational purposes are concerned, he interposes no impediment.

Shall we assume that the Mishna is not in accordance with the opinion of R. Jose of the following Boraitha? "R. Eliezer maintains that the plate of the high-priest atones also for sins committed through eating, but R. Jose holds that it does not." If R. Jose does not admit of this supposition, at a casual glance we might think that he is in accord with R. Jehoshua, who declares, that both the flesh and blood are required, and if R. Jose positively asserts that the sins committed through eating are not atoned for, we must presume that the Mishna is not in conformity with his opinion! Nay; in this respect R. Jose agrees with R. Eliezer, that blood may be sprinkled even if the flesh be not there.

R. Mari opposed this: If we admit that R. Jose agrees with R. Eliezer, it would be perfectly proper in the case of the sacrifices, for the blood thereof is offered up on the altar in the case of the Omer because a handful is taken therefrom in the case of the showbreads because the incense brought with it is offered up; but what about the two loaves (of Pentecost), of which nothing at all is taken off? If you say that the two loaves themselves are not meant, but the sacrifices brought with them, then there will be only four kinds, and the Mishna states that there are five? Hence the most reasonable supposition is, that the Mishna is not in accordance with R. Jose.

MISHNA: If the flesh of the paschal sacrifice has become (ritually) defiled and the fat thereof remains undefiled, its blood must not be sprinkled on the altar; but if the fat has become defiled and the flesh remains undefiled, the blood may be sprinkled; but such is not the case with respect to other consecrated sacrifices (under similar circumstances); for even if the flesh of such has become defiled but the fat has remained undefiled, their blood may be sprinkled.

GEMARA: R. Giddel said in the name of Rabh: What is the case if the blood *has* been sprinkled? In that event the duty has nevertheless been fulfilled. Is it not obligatory, however, to eat the paschal sacrifice, and in this case it must not be eaten? Rabh holds with R. Nathan, who states that the fact of its not having been eaten proves no impediment to the lawful accomplishment of the duty *to sacrifice* the paschal offering, as we have learned in a Boraitha, viz.: If one company had been appointed to eat the paschal sacrifice and subsequently another company had been added thereto, if there was sufficient for the first company, so that each member thereof ate as his share the

size of an olive, this company has fulfilled the duty and need not celebrate a second Passover. If there was not sufficient remaining, so that the members of the second company could each eat a piece the size of an olive, they must celebrate a second Passover. R. Nathan, however, said: "Even the second company need not make a second Passover, because the blood of the sacrifice had already been sprinkled." Perhaps the reason for R. Nathan's dictum is, that had the first company withdrawn there would have been sufficient for the second each to eat a piece the size of an olive; hence the supposition that such *was* the case renders the sacrifice valid for both, but not because the fact of its not being eaten proves no impediment? If the former reason were the acceptable one, the Boraitha should have stated the supposition, but the fact that it says, "because the blood of the sacrifice had already been sprinkled," is conclusive proof that the sprinkling of the blood is the main object of the commandment.

What impels Rabh to construct the Mishna according to R. Nathan, and expound it in the sense that the blood must not be sprinkled to commence with, but that, if this was done, the act does not invalidate the sacrifice? Let him explain it according to the sages, who hold that the blood must not be sprinkled, and that if this was done it invalidates the sacrifice!

Rabh could not understand the Mishna, and he argued: Why should the Mishna state that the blood must not be sprinkled? because while this should not be done to commence with, if it was done it is a valid act; for otherwise the Mishna could have plainly said, "the sacrifice is not valid."

According to which Tana is the following teaching of the rabbis: "If a man who was appointed to eat of the paschal offering was ill at the time the sacrifice was about to be slaughtered and had recovered when the blood was about to be sprinkled, or was well when it was about to be slaughtered and became ill when the blood was about to be sprinkled, the sacrifice must not be slaughtered nor the blood sprinkled unless that man was well from the time of slaughter until the sprinkling of the blood"? Shall we say, that this is in accordance with the sages and not with R. Nathan? Nay; it may be even in accordance with R. Nathan; for while maintaining that not eating the sacrifice proves no impediment, he nevertheless admits that at the time when the sacrifice is slaughtered and the blood sprinkled the man must be in a condition to partake thereof.

According to which Tana is the following teaching of the rabbis: "If at the time the sacrifice was slaughtered the participants thereof were still undefiled and subsequently became defiled, the blood may be sprinkled as if for undefiled participants but the sacrifice must not be eaten." Said R. Elazar: "This teaching is in accordance with the disputants and appears to be according to R. Nathan." R. Johanan, however, said: The teaching may be in accord with the sages, but in that event it treats of the whole community and not of an individual, and we have learned that a community may sacrifice the paschal offering even if all the members thereof were defiled. Then why is the sacrifice not allowed to be eaten? As a precautionary measure, lest at the next Passover they become unclean after the sprinkling and nevertheless claim that they are allowed to partake of the sacrifice because they were also unclean on the last Passover, forgetting, however, that they were already defiled before the sprinkling but did not become so afterwards.

If you wish, I can tell you that Rabh holds with R. Jehoshua, as we have learned in the following Boraitha: R. Jehoshua said: "All the sacrifices mentioned in the Scriptures, whether the flesh had become defiled and the fat remained clean, or the reverse was the case, the blood thereof must nevertheless be sprinkled. But of Nazarite offerings or the paschal sacrifice, if the fat became defiled and the flesh remained clean, the blood may be sprinkled; but if the reverse was the case, the blood may not be sprinkled. If this was done, however, the duty is accomplished. If the owners of the sacrifice, however, have become polluted through a corpse, even if the blood had already been sprinkled, the sacrifice is not valid."

"*Such is not the case with respect to other consecrated sacrifices,*" etc. This clause of the Mishna will be in accordance with the opinion of R. Jehoshua, as taught in the following Boraitha: R. Jehoshua said: Of all sacrifices mentioned in the Scriptures, if a piece the size of an olive had remained, the blood may be sprinkled; but if a piece the size of half an olive had been left over, the blood may not be sprinkled, except in the case of a burnt- (whole) offering, where, should even a piece the size of half an olive be left over, the blood may also be sprinkled, because the whole sacrifice is offered up on the altar. In the case of a meat-offering which was still intact, if it had become defiled the blood must not be sprinkled. What has a meat-offering to do with the sprinkling of the blood? Said R.

Papa: By this is meant the meat-offering brought with every sacrifice, and lest we assume that even if but a piece thereof the size of an olive remain, the blood of the sacrifice may be sprinkled, we are taught that even if it had remained intact it does not legalize the sprinkling of the blood.

MISHNA: If the whole or the greater part of the congregation had become defiled, or the priests were in a state of defilement but the congregation was undefiled, the sacrifice may be brought in this state of defilement; but if the minority only of the congregation had become defiled, the majority that are clean shall sacrifice the paschal offering at its proper time and the unclean (minority) shall sacrifice a second paschal offering on the 14th of the following month.

GEMARA: The rabbis taught: If the congregation was defiled but the priests and the utensils necessary for the service were clean, or the reverse was the case; or, moreover, if the congregation *and* the priests were clean and the utensils alone were unclean, the sacrifice must nevertheless be brought in that state of defilement. Why so? Because a congregational sacrifice must not be divided; *i.e.*, even if there were some men among the congregation who happened to be undefiled, they must also participate in the sacrifice.

It was taught: If the congregation was equally divided—one half being unclean and the other half clean—Rabh said that a half is equal to a majority, and one half should bring the sacrifice in its state of defilement, while the other half should bring it in its proper condition. R. Kahana, however, said that a half does not constitute a majority, and hence the half which is clean should bring the sacrifice at the customary time, while the other half should bring it at the second Passover (one month later). According to another version, R. Kahana is supposed to have said: "The half does not constitute a majority, therefore the undefiled half should bring the sacrifice at its usual time; but the unclean half should not bring it at all; because, in the first place they were defiled, and on the second occasion they, not being a majority, cannot observe a second Passover."

We have learned one Boraitha in support of Rabh's opinion: "If the congregation was equally divided, one half being unclean and the other clean, each half should bring a separate paschal offering." We have also learned a Boraitha supporting the first version of R. Kahana's dictum, as follows: "If a congregation was equally divided between unclean and clean members, the

latter should bring their sacrifice at its usual time and the former at the second Passover"; and also a Boraitha supporting the second version of R. Kahana's opinion: "If a congregation was equally divided between clean and unclean members, the former bring their sacrifice at the usual time and the latter need not bring it at all."

The text of the Boraitha states: "If the congregation was equally divided, one half being clean and the other unclean, each half should bring a separate paschal offering," and continues: "if there was one majority in the unclean half, the sacrifice must be brought in the state of pollution, because a congregational sacrifice cannot be divided." R. Elazar ben Mathia, however, says, that a single person cannot determine the uncleanness of an entire community, because it is written [Deut. xvi. 5]: "Thou mayest not slay the Passover within any of thy gates" (which signifies, that a single person cannot influence a congregation). R. Simeon, however, said: "Even if one tribe was unclean and the remaining eleven tribes (of Israel) were clean, the one unclean tribe must bring a separate sacrifice." The reason why R. Simeon maintains this, is because he considers each tribe a separate congregation; but R. Jehudah said: "Even if only one tribe was unclean, all the remaining tribes must bring their sacrifices in a state of defilement." Why so? Because he also holds that each tribe constitutes a congregation, and so the entire community is thus equally divided between unclean and clean; and as a communal sacrifice must not be divided, they must all join in bringing it in a state of defilement.

It was taught: "If the congregation was equally divided, one half being clean and the other unclean, Rabh says that one member of the clean half should be defiled by contact with a dead reptile, and thus the entire congregation can bring the sacrifice in a state of defilement." Why should this be done? Did not Rabh state previously that they should each bring separate sacrifices? In this case there was already a majority of one in the unclean half. If that is so, then there was already a majority; why make another man unclean? Rabh holds with R. Elazar ben Mathia, that one person cannot determine the uncleanness of a congregation. If Rabh holds with R. Elazar, then the same question arises, why should not each half bring a separate sacrifice? Rabh means to say as follows: If there is a Tana who holds with the first Tana of the Boraitha, to the effect that each half must bring a separate sacrifice, and at the same

time holds with R. Jehudah, namely, that a communal sacrifice must not be divided and in consequence is in doubt how to proceed, he should make another man unclean and thus constitute an unquestionable majority.

Ula, however, said: "A member of the clean half should first be sent on a long journey, and then be defiled by contact with a dead reptile," because he holds that a man who had become unclean through a reptile may nevertheless have the sacrifice brought for him; but if he was away on a journey and there becomes unclean, the sacrifice cannot be brought for him.\* Why not defile the man by means of a corpse? If this is done, he will be robbed of his right to bring even his festival offering. And, on the other hand, is he not deprived of his right to bring the paschal offering? Yea; but he has the privilege of bringing the Passover sacrifice on the second Passover. Then, if defiled by a corpse, he will be enabled to bring his festal offering on the seventh day of Passover, which will be the eighth since his becoming defiled! Ula holds that the extension of the festal offering throughout the seven days applies only to one who was capable of bringing it on the first day, but not if he was legally incapacitated to do so on the first day.

Said R. Na'hman: "Go to Ula and say to him: Is it reasonable that a man should be asked to strike his tent and leave everything behind him in disorder in order to undertake a long journey on the eve of Passover? Therefore, I say that Rabh's proposition to defile him with a dead reptile is sufficient."

MISHNA: If, after the blood of the paschal sacrifice had been sprinkled on the altar, it became known that it (the blood or the flesh thereof) was unclean, the plate of gold (of the high-priest) atones for the sin; but if the body (of the owner) of the sacrifice had been defiled, the plate of the high-priest does not atone for the sin; for it is a rule that the plate atones for (the sin of sacrificing) the paschal offering and that of the Nazarite, if the blood of these had become defiled; but not if the body (of the owner) of such sacrifice had become unclean. It does, on the other hand, atone for the defilement caused by an abyss or by the ground.†

GEMARA: From the Mishna we learn, that the plate atones for the sin if it had become known that the blood or

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\* *Vide* Numbers ix. 10.

† By this term is meant defilement caused by passing over an abyss or ground where it is supposed that a corpse was situated, without being aware of the fact.



flesh was unclean, *after* the sprinkling; hence we must assume that if this was known *before* the sprinkling and the blood had been sprinkled nevertheless, the plate does not atone for the sin, and would this not be contradictory to the following Boraitha: "For what things does the plate atone? For blood, flesh, and fat which was rendered unclean either intentionally or inadvertently, whether this was brought about by accident or voluntarily, whether the sacrifice be that of an individual or of a congregation"?

Said Rabhina: "If the sacrifice was rendered unclean either intentionally or inadvertently, the plate atones for the sin (of sacrificing in such a state); but as for sprinkling, it atones only for unintentional sprinkling (*i.e.*, if the man had forgotten that the sacrifice was unclean) but not for intentional sprinkling." R. Shila, however, said: "(On the contrary!) As for sprinkling, whether done intentionally or unintentionally, the plate atones for the sin; but if the sacrifice became unclean, if it was rendered so inadvertently the plate atones for the sin, but if rendered so intentionally it does not, and thus should the Boraitha also be explained; but as regards the statement in the Mishna that, if the fact of the sacrifice being unclean had become known, *after* the sprinkling of the blood, the plate atones for it, thus showing that if the sprinkling was done knowingly the plate does not atone for it, it is not correct, for the plate atones for the sprinkling even if done knowingly, and the reason the statement is made is because in the latter clause of the Mishna it must be taught that even if the blood had been sprinkled without the knowledge of the fact that the owners of the sacrifice were unclean, still the plate does not atone for the sin; therefore an analogous teaching is made also in the first clause."

"*It does on the other hand atone for the defilement caused by an abyss,*" etc. Rama bar Hama propounded a question: "Does the plate atone also for a priest who had contracted (doubtful) uncleanness through an abyss, or does this only apply to the owner of the sacrifice? Shall we assume, that the tradition to the effect that the plate atones for such doubtful uncleanness applies *only* to the owners of the sacrifice, or that it applies to the sacrifice itself and hence also to either owner or priest?"

Said Rabha: "Come and hear! R. Hyya taught: 'The law regarding doubtful uncleanness caused by an abyss treats *only* of uncleanness by means of a corpse.' What does he mean to exclude by using the word "*only*"? Doubtless a reptile. Now

let us see who can be affected by contact with a reptile: If we should say the owner of the sacrifice, which owner does he refer to? Shall we assume that the owner was a Nazarite? then uncleanness through contact with a reptile does not change the legal status of a Nazarite, as it is written [Numb. vi. 9]: "And if *some one die* very suddenly" (but not a reptile). Then we must assume that the owner of a paschal offering is referred to. This would be correct, according to the Tana who maintains that for an owner defiled through a reptile a paschal offering may neither be slaughtered nor the blood thereof sprinkled; but according to the other Tana, who holds that such a condition of the owner does not interfere with the slaughtering of the paschal offering or the sprinkling of its blood, what would R. Hyya come to teach us?—If the slaughtering and sprinkling are permitted for an owner unquestionably defiled through contact with a reptile, it is certainly permitted for one whose defilement through an abyss was not of a doubtful nature. Hence we must assume that even a priest is referred to, and thus the plate of the high-priest atones also for a priest who was supposed to have become unclean by passing over an abyss probably harboring a corpse.

R. Joseph propounded a question: "If there was doubt concerning the undefiled state of a priest who had passed over an abyss probably harboring a corpse, and was engaged in bringing the continual daily offering, does the plate atone for him also, or not? If you should even say that he was atoned for when bringing other sacrifices, *f.i.*, as just mentioned in the case of a priest who sacrificed the paschal offering, the question concerning one engaged on the continual daily offering still remains; for while we have a tradition to the effect that the plate of the high-priest atones for a priest in the mentioned condition who had sacrificed a paschal offering, we have none affecting the case of a priest bringing the continual daily offering while in a state of doubtful defilement; or, on the other hand, from the fact that we have no tradition to that effect, should we draw the inference from the instance of the paschal offering?"

Said Rabba: "(This is not only an inference); it is an *a fortiori* conclusion! If in the case of other sacrifices, as the Nazarite offerings, the paschal offerings, etc., where positive uncleanness would interfere with the validity of the sacrifice, a doubtful case was *not* held to prove an impediment, then certainly in the case of the continual daily offering, which must be brought even if all concerned are in a positive state of defilement,

it should so much the more be valid in a case of doubtful defilement." Is it possible, then, to draw an *a fortiori* conclusion from a tradition? Did we not learn in a Boraitha: "Said to him R. Eliezer: Aqiba! That a bone of a corpse of the size of a barley-corn, when brought in contact with a man, defiles him, is a tradition, and thou wouldst draw therefrom the *a fortiori* conclusion that a quarter of a lug of blood would so much the more be a means of defilement. An *a fortiori* conclusion must not be derived from a tradition!"

"Therefore," said Rabb, "the case of the continual daily offering is not derived from the paschal offering by means of an *a fortiori* conclusion, but by means of a comparison by analogy, namely: As concerning both sacrifices it is written, 'at their appointed seasons,' the same rules apply to both."

Where do we find it written in general concerning the doubtful state of defilement caused by passing over an abyss probably harboring a corpse? It has already been stated that this is merely a tradition, and is not particularly specified at any place.

It was taught: Mar bar R. Ashi said: Do not learn in the Mishna, "only if it became known after the sprinkling that the blood was defiled the plate of the high-priest atones for the sin committed, if previously known, however, it does not"; but "even if it was also known previously, the plate atones for it."

MISHNA: If the whole or the greater part of the paschal offering had become defiled, it should be burned before the sanctuary with wood used for the altar; if the lesser part thereof had become unclean, or if some part thereof had remained over until the next morning (on the 15th), the owners may burn it in their own courts, or on their roofs, with their own wood. Avaricious persons, however, would burn it before the sanctuary, in order to get the benefit of the wood used for the altar.

GEMARA: Why was the burning done in so public a manner? Said R. Jose bar R. Hanina: In order to put to shame the owners of the sacrifice for their negligence in permitting the paschal offering to become defiled.

"If the lesser part thereof," etc. Is this not contradictory to what we have learned in a previous Mishna, namely: "If a person on leaving Jerusalem remembers having consecrated flesh with him (even if it be only the size of an olive) he must return and burn it before the sanctuary with wood of the altar"? Said R. Hama bar Uqba: "This presents no difficulty: The Mishna mentioned treats of a visitor to Jerusalem, who had no

wood of his own, while our Mishna treats of a permanent resident of Jerusalem."

The rabbis taught: "If the people came to burn (the unclean offering or the remainder) before the sanctuary with their own wood or desired to burn it in their own homes with wood of the altar, they must be prevented from accomplishing such an act." It is perfectly proper to prevent their burning it in their own homes with wood of the altar, lest some of the wood be left over and they use it for profane purposes; but why should they not be permitted to burn it before the sanctuary with their own wood? Said R. Joseph: "In order not to disgrace those who have no wood of their own," and Rabha said: "In order not to cast suspicion upon them; for if they have some of their own wood left over and carry it back with them they might be suspected of appropriating the wood of the altar." Wherein do these two sages differ? In a case where the wood brought was not like that used for the altar; for instance, the bark of date-trees or small sticks. (According to R. Joseph, not even such wood may be brought, while according to Rabha this would be permissible.)

MISHNA: If a slaughtered Passover-sacrifice had been carried beyond the walls of Jerusalem or had become defiled, it must be immediately burned (on the eve of Passover). If the owners thereof had become defiled or had died, it must be left until its condition is changed (*i.e.*, it must be left over until the next morning), and should be burned on the 16th of Nisan\*). R. Johanan ben Broka said: (In the latter event) it should also be immediately burned, because there are none to eat it.

GEMARA: If the Passover-sacrifice had become defiled it is perfectly proper to burn it, because it is expressly written [Levit. vii. 19]: "And the flesh that toucheth any unclean thing shall not be eaten, with fire shall it be burnt"; but whence do we know that if it had been carried beyond the walls of Jerusalem it must also be burned? Because it is written [ibid. x. 18]: "Behold, its blood was not brought within the holy place"; and thence we infer that, as it was not brought within the holy place, it must be burnt. Still, concerning a defiled paschal offering, it would be right to burn it, because the passage states that *ordinary* holy sacrifices which had become unclean must be burnt, but concerning the offering carried beyond the walls of Jerusalem

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\* Because it is not allowed to burn a consecrated thing on the festival day proper, and the 16th is already one of the intermediate days of Passover.

the passage quoted [ibid. x. 18] refers only to *most* holy sacrifices, and whence do we know that it applies also to *ordinary* holy offerings? Aside from this, we have learned in a Boraitha: "If the blood of the sacrifice had become spilled, or the flesh had remained within, but the blood had escaped beyond the walls of Jerusalem, the sacrifice must be burnt." Whence do we learn this? The law concerning everything which becomes subject to burning with fire, whether it be ordinarily holy or most holy, is derived from a tradition, and as for the passage mentioning the sin-offering of Aaron, it is merely quoted because such happened to be the case. Now then, if the entire law ordaining that, whether the sacrifices be ordinarily holy or most holy, they must in the event of their becoming unclean be burnt with fire, is derived merely from a tradition, for what purpose is it written [Levit. vi. 23]: "It shall be burnt with fire"? That passage is necessary, in order to impart to us the information that it must be burnt in the holy place; for from the tradition alone we might presume that this could be done elsewhere, and hence the necessity for the passage. In that event, to what end is it written [ibid. vii. 19]: "And the flesh that toucheth any unclean thing shall not be eaten, with fire shall it be burnt"? That passage is needed for its own particular purpose; for we might presume that the tradition making it obligatory to burn the invalid sacrifices applies only to those in respect to which, were they ordinary (non-consecrated) articles, the exigency could not possibly arise. For instance, if the blood had remained over night, or the blood had been spilled, or had escaped beyond the walls (of Jerusalem), or if the sacrifice had been slaughtered at night (which is not permissible); but if the sacrifice had become unclean, which state can also prevail in the case of ordinary articles, it might be assumed that it is not necessary to burn it, but that it may even be buried; therefore we find it written as above [Levit. vii. 19].

"*If the owners thereof had become defiled or had died,*" etc. Said R. Joseph: Wherein do they (the sages and R. Johanan ben Broka) differ? Only if the owners had become defiled prior to the sprinkling of the blood; because, as the flesh was not yet (legally) suitable for the duty of eating thereof at the time, the uncleanness is considered to be in the sacrifice itself; but if the owners had become defiled after the sprinkling, in which event the flesh was already suitable for eating, all agree that the invalidity was not occasioned by the sacrifice itself but by some out-

side means, and for that reason it should be left until its condition is changed (*i.e.*, it should be left over night). R. Johanan, however, said, that even after the sprinkling the same is the case, and this he states in accordance with his individual theory; for both R. Johanan ben Broka and R. Nehemiah said one and the same thing (namely, that when the owners became defiled, the sacrifice should be immediately burned). Rabba added to this, that R. Jose the Galilean made the same statement.\*

MISHNA: The bones, sinews, and other remaining parts must be burned on the 16th; and should that day fall on a Sabbath, they must be burned on the 17th, because the burning of these does not supersede the laws of the Sabbath or those of the festival.

GEMARA: R. Mari bar Abbahu in the name of R. Itz'hak said: The bones, still retaining marrow, of consecrated sacrifices, if left over as remainder, defile the hands touching them. Why so? Because they are a basis to a prohibited article (*i.e.*, the marrow which was left over and should be burned).

An objection was raised: (We have learned:) The bones left over from consecrated sacrifices are not subject to being burned, excepting only the bones of the paschal offering; (because they must not be broken but left in their original condition and) it might happen that some of the flesh should cling to them. Now, let us see what kind of bones are meant! Shall we assume such as have not retained the marrow? Who would hold that such should be burned? Hence such as still retain the marrow must be meant. In that event, if the bones are considered a basis to a prohibited article, *i.e.*, they serve the marrow as receptacles, why should they not be burnt?

Said R. Na'hman bar Itz'hak: "Bones which had been found broken and the marrow extracted are referred to; thus the bones of other sacrifices, which may be broken, may have been broken and the marrow extracted from them before they had had an opportunity of becoming a remainder of a sacrifice; hence they need not be burnt. The bones of a paschal offering, however, which must remain whole, could have been broken and had the marrow extracted from them only *after* becoming a remainder, and for that reason they must be burnt."

R. Jehudah said in the name of Rabh: "All sinews are considered of flesh except the sinews of the neck (*i.e.*, if one ate

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\* Rabba supports his dictum on the strength of a Boraitha, which will be brought forward in Zeba'him.

only the nerves of the flesh of the paschal offering, it is the same as if he had eaten the flesh itself.”

An objection was made based upon our Mishna, which teaches “that bones, nerves, and other remaining parts must be burned on the 16th.” Now, let us see what sinews are referred to? If the sinews of the body in general are meant, why not eat them; and if it is claimed that they were left over, why mention them separately—are they not the same as the other remaining parts? Therefore we must say, that the sinews of the neck are meant. If that be the case and, according to Rabh, they are not considered as flesh, why should they be burned? Said R. Hisda: “By the sinews which must be burned, is meant the sinew of the thigh (which is not eaten), and, according to R. Jehudah’s opinion that only the sinew of one of the thighs is prohibited to be eaten, the sinew of the other is a legal remainder and should be burned.” R. Ashi said: “The Boraitha means to state, that not the sinew proper, but only the fat thereof on account of which the sinew is burned with it, is referred to, as we have learned in another Boraitha, that the fat of the sinew of the thigh may be eaten but it is not customary to do so (as will be explained in Tract Cholin),” and Rabhina said: “The sinew which must be burned is the one on the outside, which, while it is permitted to eat it, is not generally eaten by Israelites (as will also be explained in Tract Cholin).”

“*If that day (the 16th) should fall on a Sabbath,*” etc. Why should this be so? Why should not the positive commandment (to burn the remainder) supersede the negative commandment (not to violate the Sabbath)? Said Hezekiyah, and so also the disciples of Hezekiyah: It is written [Exod. xii. x]: “And ye shall not let anything of it remain until morning; and that which remaineth of it until morning ye shall burn with fire.” Why is “until morning” mentioned a second time? In order to afford a man a second morning on which to burn the remainder (*i.e.*, if the 16th fell on a Sabbath, to give the man until the 17th).

Abayi, however, said: (It may be inferred from another passage.) It is written [Num. xxviii. 10]: “This is the burnt-offering of the Sabbath on every ‘Sabbath,’” *i.e.*, that only an offering of Sabbath may be burned on Sabbath, but not an offering of a week-day should be burnt on a Sabbath or on a festival day.

Rabha said: (It may be inferred from the following passage)

[Exod. xii. 16]: "Save what is eaten by every man, that only may be prepared by you"; *that only*, and not a circumcision, which is not in proper time, and which is learned from an *a fortiori* conclusion.

R. Ashi said: "The rest concerning a festival which is mentioned [Lev. xxiii. 24] makes it a positive commandment, which states that no labor shall be done on a festival, so a festival has two commandments, a positive and a negative one; and to burn the remainder is only one commandment, which does not supersede the above two commandments."

MISHNA: Every part usually eaten of a full-grown ox may be eaten of the paschal kid or lamb, such as the cartilage and tendons over the joints.

GEMARA: Rabba found a contradiction in this Mishna, namely: "It is stated that every part usually eaten of a full-grown ox may be eaten of the paschal kid or lamb, and then exemplifies the statement by mentioning the cartilage and tendons over the joints, and is it not a fact that these latter parts of an ox are not eaten?" Said Rabba: "The Mishna means to imply that all parts of an ox eaten boiled may be eaten of the paschal kid or lamb roasted, and what are those parts referred to? the cartilage and tendons over the joints." We have also learned the same teaching as Rabba's in a Boraitha, with the addition, "that the small sinews of the body are also included."

It was taught: "Sinews, which are at first soft and later on become hard," said R. Johanan, "may be selected by one of the men appointed to eat of the paschal sacrifice for his share, because at the time of selection they were soft and eatable"; but Resh Lakish said, "that they must not be selected, because they eventually become hard and are thus at no time edible."

Resh Lakish made an objection to the statement of R. Johanan, based upon our Mishna, which states that the cartilage and tendons only may be eaten: "Hence the small sinews are not to be included." R. Johanan replied: Learn, that the parts mentioned and also the small sinews may be eaten; from the fact that they are eaten in a boiled state of the ox, the same cause applies also to the kid or lamb.

R. Jeremiah said to R. Abin: "When thou wilt come to R. Abbahu, propound the following contradictory question to him: Can, then, R. Johanan assert, that the small sinews may be selected as a share of the paschal sacrifice? Did not Resh Lakish ask R. Johanan whether the skin of a young calf's head



is subject to defilement, and the latter answered that (on account of such a skin eventually becoming hard) it is not subject to defilement (as is the case with hide); (hence should we not assume that R. Johanan did so because he took into consideration its final condition—then why should he not also consider the future condition of the sinews, which eventually become hard and inedible)?” (R. Abbahu replied): “The man who evolved this contradictory question did not watch the meal he had ground (*i.e.*, he did not consider the correctness of his deductions); for we have learned that at the same time when Resh Lakish showed R. Johanan a Mishna which refuted the answer rendered, R. Johanan replied: ‘Anger me not! The Mishna thou citest I attribute to an individual opinion, that I myself do not uphold’ (whence we see that he retracted his assertion to the effect that the future condition need not be considered).”

MISHNA: Whosoever breaks any bones of the clean paschal lamb incurs the penalty of forty stripes; but the person who should leave a part of the paschal lamb over night, or who breaks a bone of an unclean paschal sacrifice, does not incur that penalty.

GEMARA: It is perfectly proper that a man who leaves part of the paschal lamb over night should not incur the penalty of stripes, because the negative commandment [Exod. xii. 10]: “Ye shall not let anything of it remain until morning,” does not involve the execution of an act, and the violation of a negative commandment of such a character does not carry with it the penalty of stripes; but whence do we adduce that a person who breaks a bone of an unclean paschal sacrifice should not incur that penalty? Because it is written [ibid. xii. 46]: “No bone shall ye break *in it*,” and the term “*in it*” signifies, that only in a clean paschal sacrifice it is not allowed, but not in an unclean.

The rabbis taught: It is written: “No bone shall ye break *in it*,” and this signifies that this must be done in a valid sacrifice but not in an invalid. Rabbi, however, said: “I do not derive this rule from this passage alone, but from the fact that in the same verse [Exod. xii. 46] we find: ‘In one house shall it be eaten, etc., and no bone shall ye break in it,’ and hence we must say, that only if a bone was broken in a lamb which may be eaten is the penalty of stripes incurred, but not in a lamb which must not be eaten.” Wherein do these two statements differ? Said Abayi: “The difference arises in a case where a bone was

broken in the lamb on the day preceding Passover. According to the one statement, which makes a man punishable with stripes if he break a bone in a valid paschal sacrifice, as the paschal lamb is already valid, the man incurs that penalty; but according to the other statement, the fact that the lamb could not at that time be eaten absolves the culprit from the penalty."

An objection was made: Rabbi said, that if a man select only the brains of the paschal sacrifice as his share he may be included in the number appointed to eat it; but he must not be included if he selects as his share the marrow of the thigh-bone. Why should a man be allowed to select as his share the brains of the lamb? Because, in order to extract them it is not necessary to break one of the bones (as they may be extracted through the nostrils). On the other hand, the marrow of the thigh-bone should not be selected because it would necessitate the breaking of that bone. If, however, it is allowed to break the bone during the day, why may not the bone be broken at that time, and thus the marrow, being accessible, be allowed to serve as the share of one of the number appointed to eat the paschal lamb? If the breaking of the bone be the only impediment, then Abayi may reply, there is no need of doing this during the day; for even in the evening the bone may be placed over live coals and burned until the marrow is easily extractable, and thus render it capable of serving as the share of one of the number; for we have learned in a Boraitha, that the burning of the bones or cutting of the sinews cannot be considered a violation of the law against breaking the bones.

Hence we must say, that the reason the bones must not be burned, according to Abayi, is for fear lest they split while burning, which will be considered as breaking the bones, and, according to Rabha, for fear lest the marrow, which is a consecrated thing, be burnt (and the law is that consecrated things must not be burned to commence with); therefore it may be claimed that this should not be done during the day, as a precaution against a person doing it at night.

R. Papa, however, said: Breaking the bone during the day is, according to the opinion of all, prohibited, even though the sacrifice may not yet be eaten at that time, because at night it will be suitable for that purpose and is therefore considered suitable even during the day. They differ, however, concerning a part of a member which had protruded beyond the wall and which must not on that account be eaten. According to the one who

maintains that a person who is guilty of breaking a bone in a valid sacrifice incurs the penalty of stripes, if a man had broken a bone in that member which is valid, he incurs the penalty of stripes; but according to the one who maintains that breaking a bone of such a sacrifice as may be eaten only involves punishment with stripes, he does not incur the penalty, because the member must not be eaten, as we have learned in a Boraitha; R. Ishmael the son of R. Johanan ben Broka said: "A man who had broken a bone in a member of the sacrifice which had protruded beyond the wall does not incur the penalty of stripes." R. Shesheth the son of R. Idi, however, said, that concerning such a member all agree that one who breaks a bone thereof does not incur the penalty, because it is invalid and must not be eaten. They differ, however, concerning one who had broken a bone in a paschal lamb that was yet raw. The one who claims that it is valid, maintains that the man incurs the penalty, but the other says that he does not, because the lamb cannot yet be eaten.

R. Na'hman bar Itz'hak said: "This is *not* the point of variance, because all agree, that one who breaks a bone in a paschal lamb which was still raw incurs the penalty, as the lamb may be roasted and then be eaten. They do differ, however, concerning a man who breaks the tail of the lamb, which must not be eaten, but offered up on the altar. Those who hold that the sacrifice is a valid one hold him to the penalty, while the others claim that, as the tail must not be eaten, the man is exempt."

R. Ashi, however, said: "Not even on this point can they differ; for all agree, that as the tail must not be eaten, the breaking thereof does not carry with it the penalty of stripes. Wherein they do differ is concerning a member of a paschal lamb that does not contain flesh to the size of an olive. According to one, the member being valid, breaking thereof incurs the penalty, while according to the other, the fact that there is not sufficient flesh thereon to be eaten exempts a man who broke it."

Rabhina, however, said: "Neither on this point do they differ, because as there is not sufficient flesh on that member to be eaten, all agree, that breaking it does not involve the penalty; but they do differ concerning a member which a person had broken in a place where there was not sufficient flesh to be eaten, while the same member contained in another place sufficient flesh. Accordingly, some hold that as a member which was valid

was broken, the penalty was incurred, while others maintain that, as the part which could not be eaten was broken, the penalty is not incurred thereby."

We have learned in a Boraitha a support to four of the preceding sages: Rabbi said: "It is written [Exod. xii. 46]: 'In one house shall it be eaten, etc., and no bone shall ye break in it,' which signifies that one is culpable only if he break the bone in a valid sacrifice, but not in one that was invalid. If at one time the paschal sacrifice was valid, and subsequently became invalid while being eaten, the law against breaking its bones does not apply. If the bone broken had the prescribed quantity of flesh thereon, the law against breaking its bones does apply thereto; but if it had not, the law does not apply. Such parts as are to be brought on the altar are not affected by the law. During the time when the paschal lamb is eaten, the law mentioned applies; but at any other time, when it is not eaten, the law does not apply."

R. Ami said: "One who carries out flesh of the paschal sacrifice from one company to another does not become culpable until he deposits it in a certain place, because it is written [Exod. xii. 46]: 'Thou shalt not carry forth aught of the flesh abroad out of the house,' and the same rule applies to this as to carrying on the Sabbath, namely: There must be a removal from a certain fixed place and a deposit in another fixed place."

R. Abba bar Mamal made an objection: "We have learned elsewhere, that if four persons carried it on rods and the first pair stepped outside of the wall of the Temple while the other pair remained on the inside, the clothes of the first pair become unclean but not those of the second pair. There was, however, no deposit of the sacrifice in a certain place; why should they become unclean?" The questioner himself answered this by saying: "This was a case where the sacrifice was not carried, but dragged on the ground (hence there was a deposit in a certain place)."

MISHNA: If part of a member (of the paschal sacrifice) protrude beyond (the Temple), it must be cut until the knife reaches the bone, then the flesh should be removed on the inside (of the Temple) until the joint is reached, when it may be cut off (and the bone must be cast away). With regard to other sacrifices (the bones of which it is permitted to break), the protruding part must be cut off with a slaughtering knife; if it extend from the door-wing (or lobby), it must be considered as

inward; if it protrude farther than this, it is to be considered as outward (and should be cut off). The apertures in a wall and the thickness of a wall may be considered as the inside.

GEMARA: Said R. Jehudah in the name of Rabh: "The same rule applies to an assembly for prayer" (if nine men were on the inside and one on the outside, the assembly is not complete), and he differs with R. Jehoshua ben Levi, who declares, that even an iron wall does not intervene between Israelites and their Heavenly Father.

There is a difficulty in the Mishna itself; in one clause it states, that if the part of the member extend from the door-wing it is considered on the inside, hence the door-wing is itself considered on the outside; while in the next clause we find, if it extend farther than this it is on the outside, hence the door-wing itself is considered on the inside?

This presents no difficulty; the former clause refers to the door of the Temple, while the latter clause refers to the door of the walls surrounding Jerusalem, as R. Samuel bar R. Itz'hak said: "Why were not the gates of Jerusalem sanctified (as if they were inside of Jerusalem)? because those afflicted with sores seek shelter beneath them from the sun and rain," and further, he said: "Why was not the gate of Nikmor sanctified? Because those afflicted with sores who brought their sacrifices would thrust their forefingers through the holes in the gate in order to have them smeared with the blood of their sacrifices."

"*The apertures in a wall and the thickness of a wall,*" etc. Rabh said: "The roof and the attics of the Temple were not sanctified." This is not so! Did not Rabh say in the name of R. Hyya, that the companies partaking of the paschal sacrifices were so great that when they would shout the Hallel-prayer the roof would nearly burst through the sound of their voices? Hence must it not be assumed, that the paschal sacrifices were eaten also on the roof? Nay, they ate the sacrifices below, but went up on the roof to recite that prayer.

Come and hear! Abba Saul said: The attic of the holy of holies was even more holy than the holy of holies itself, for while the latter was entered once every year, the former was entered only once in seven years; according to others twice in seven years, and according to others only once in fifty years, and then only to see whether any repairs were necessary (whence we see, that the attic was also sanctified?). Said R. Joseph: How can a comparison be drawn between the Temple and the

city of Jerusalem? Concerning the Temple it is written [I Chronicles xxviii. 11]: "Then gave David to Solomon his son, the pattern of the porch, and of its apartments, and of its treasuries, and of its upper chambers, and of its inner chambers, and of the place of the cover of the ark"; and further, it is written [ibid. 19]: "All this, said David, was put in writing from the hand of the Lord, who gave me instruction respecting all the works of the pattern."

MISHNA: When two companies eat their paschal sacrifice in the same house (room), each turning their faces in a different direction while eating thereof, and the warming pot or kettle (containing the water to be mixed with the wine) is in the centre between the two companies, the waiter or servant must close his mouth (*i.e.*, not eat), (in order not to be suspected of eating with both companies), while he waits on the other company to pour out wine for them; then he must turn his face towards the company he eats with, and he must not eat till he rejoins his own company. It is, however, permitted to a bride to avert her face from the company while eating the paschal sacrifice.

GEMARA: This Mishna is in accordance with the opinion of R. Jehudah, as we have learned in the following Boraitha: It is written [Exod. xii. 7]: "In the houses, wherein they shall eat it," whence we may infer, that two companies are allowed to eat in one house. Should we assume that one may also eat it in two places of one house, therefore it is also written [ibid. 46]: "In one house shall it be eaten," which signifies that it may be eaten only in one place. Thence the sages declared, that if the servant who roasted the lamb (or the kid) had forgotten, and eaten a piece the size of an olive while he was engaged in roasting it, he should, if he knows his advantage, eat his fill right then and there, for he will not be allowed to eat any more thereof elsewhere; and if his company wish to show him favor, they can come and sit by him, and thus enable him to eat his fill if he had not already done so. Such is the dictum of R. Jehudah.

R. Simeon, however, said, that the passage "In the houses wherein they shall eat it," signifies, that a man may eat his paschal sacrifice in two different places; but lest a man should also assume that he may eat with two companies, the other passage, "In one house shall it be eaten," is added.

If one company was sitting and suddenly a partition was created between them (by the falling of a curtain), those who say that it is permitted to eat the paschal sacrifice in two com-

panies allow them to eat, but those who say that it is not allowed to eat in two companies do not permit them to do so. If the contrary was the case, *i.e.*, if a partition which had been between them was suddenly removed, those who say that the paschal sacrifice must not be eaten in two places do not allow them to eat it, while those who say it may be eaten in two places permit them to eat it.

R. Kahana was sitting and proclaiming this as a positive rule. Said R. Ashi to him: "This is not a positive rule. The question arises whether the partition which was formed or which was removed produced two companies and two places or not, and this question is undecided."

"*It is, however, permitted to a bride to avert her face,*" etc. Why so? Said R. Hyya bar Abba in the name of R. Johanan: "Because she is bashful."

R. Huna the son of R. Nathan happened to be a guest of R. Na'hman bar Itz'hak. The latter asked him his name, and he replied: "Rabh Huna." Said R. Na'hman to him: "Let Master sit on a bed," and he did so. A goblet of wine was handed him, and he at once accepted it and drained it in two draughts; but did not avert his face. He was finally asked why, when his name was inquired for, he called himself "*Rabh* Huna," and he answered: "Such has been my name since my youth." "Why, then, didst thou immediately take thy seat on the bed when requested to do so?" was the question put to him, and he replied: "Because such is the rule, that whatever the master of the house requests his guest to do, the guest should comply." "Why didst thou at once accept the goblet of wine?" he was asked again, and the answer was: "Because when a man superior to thyself offers thee anything, thou shouldst at once accept it, while only one that is inferior to thee should be allowed to insist upon thy acceptance." "Why didst thou drain it in two draughts?" "Because a Boraitha teaches: 'One who drains his cup at one draught is a glutton. One who drains it in two draughts shows the proper respect, while one who drains it in three is a conceited man.'" "Why didst thou not at least avert thy face?" "Because it was expressly taught, that only a bride averts her face."

R. Ishmael bar R. Jose happened to be a guest of R. Simon ben R. Jose ben Lakunia, and was given a goblet of wine, which he at once accepted and drained at a draught. The people present said to him: "Does not the Master hold, that one who

drains his cup at one draught is a glutton?" and he answered: "This was certainly not said of a goblet so small as this, especially if containing wine so sweet and intended for a stomach of the capacity of mine."

R. Huna said: "A company which was appointed to eat the paschal sacrifice—if three had arrived and the rest were still absent—may commence to eat it. If the entire company had been there and gone away without eating the sacrifice, but one had remained, that one may eat it himself." Said Rabha: "This only applies if the three who entered had sent the servant to look for the others and they could not be found." Rabhina said: The three who did eat the paschal sacrifice should also be made to pay for it themselves, and the one man who had remained should also pay for more than his share. The Halakha, however, does not prevail according to Rabhina.\*

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\* All this is in accordance with the explanation of Rabbenu Hananel and not of Rashi, as it is the more reasonable.



## CHAPTER VIII.

REGULATIONS CONCERNING THOSE OBLIGATED TO EAT THE PASCHAL SACRIFICE—WHERE IT MAY BE EATEN—COMPANIES APPOINTED TO EAT IT, AND THE DIFFERENCE BETWEEN THE FIRST AND SECOND PASSOVER.

MISHNA: If a paschal sacrifice had been slaughtered for a woman living in her husband's house, by her husband, and another lamb had been slaughtered by her father (also counting her in), she must eat that of her husband. If she came to pass the first festival after her marriage at her father's house and her father and husband have each slaughtered a paschal sacrifice for her, she may eat it at whichever place she prefers. If several guardians of an orphan have slaughtered paschal sacrifices for him, the orphan may go and eat it at the house he prefers. A slave belonging to two masters must not eat of the sacrifice of both masters. One who is partly a slave and partly free must not eat of the paschal sacrifice of his master.

GEMARA: Does the teaching of this Mishna then mean to signify, that there is such a thing as premeditated choice, *i.e.*, if the woman chose to eat at the house of either her husband or her father her intention to that effect was already existing at the time of the slaughtering of the lamb? Nay; by the statement "if she prefer it," it is not meant that she prefers to do it at the time when she is about to eat, but at the time when the sacrifice is to be slaughtered.

The following presents a contradiction: We have learned in a Boraitha: The first festival after a woman's marriage, she eats at the house of her father, but from that time on and further she may eat wherever she prefers to do so. This presents no difficulty. The Mishna refers to a case where the woman is not anxious to go to her father's house, in which event she may eat at her husband's house, while the Boraitha refers to a case of where the woman would rather eat at her father's house, as it is written [Solomon's Song viii. 10]: "Then was in his eyes as one that found favor," and R. Johanan held the passage to refer to

a daughter-in-law who was anxious to go to her father's house and relate how she had found favor in the eyes of her husband's family.

It is written [Hosea ii. 18]: "And it shall happen at that day, saith the Lord, that thou shalt call me Ishi (my husband), and shalt not call me any more Ba'ali (my master)." Said R. Johanan: This signifies that (Israel will be as near to the Lord) as a woman who is in the household of her husband is to her husband, and not as one who is still in her father's house.

It is written [Solomon's Song viii. 8]: "We have a little sister, and she hath yet no breasts." Said R. Johanan: This refers to the province of Elam, which was destined to learn only and not to teach (because there lived Daniel, who had no disciples, while Babylonia had Ezra, who left disciples).

It is written [ibid. viii. 10]: "I am a wall and my breasts are like towers." Said R. Johanan: "'I am a wall' refers to the Law, and 'my breasts are like towers' refers to the scholars who study it;" but Rabha said: "'I am a wall' refers to the congregation of Israel, and 'my breasts are like towers' refers to the synagogues and colleges."

R. Zutra bar Tobiah said in the name of Rabh: It is written [Psalms cxliv. 12]: "So that our sons may be like plants, grown up in their youth; our daughters, like corner-pillars, sculptured on the model of a palace." By "our sons may be like plants" are meant the youths of Israel who had not yet tasted of the flavor of sin, and by "our daughters like corner-pillars" are meant the maidens of Israel who lock their doors to men, as it is written in the next verse [ibid. 13]: "May our garners be full, furnishing all manner of store." By the passage "sculptured in the model of a palace" is meant, that both the youths and the maidens who have not sinned are worthy to have the Temple built in their days.

It is written [Hosea i. 1]: "The word of the Lord that came unto Hosea the son of Beëri, in the days of Uzziyah, Jotham, Achaz, and Hezekiah, the kings of Judah." At the same time four prophets prophesied, and the greatest among them was Hosea, as it is written further [ibid. 2]: "The beginning of the word of the Lord by Hosea was," which was explained by R. Johanan to mean the first of the four prophets that prophesied in that day, and they are: Hosea, Isaiah, Amos, and Micah. The Holy One, blessed be He, said to Hosea thus: "Thy children have sinned," and Hosea should have answered: "They

are *Thy* children, the children of thy favorites Abraham, Isaac, and Jacob, and Thou shouldst extend towards them Thy mercy"; and not alone did he not make this reply, but even said: "Creator of the Universe! The whole world is thine. Why not exchange them for another nation?" Whereupon the Lord said: "What shall I do with this old man? I shall tell him to take unto himself a wife of prostitution and have children of prostitution [ibid. 2], and then I shall tell him to send her away; and if he will then be able to do so, I shall also cast off Israel, as it is written further [ibid. 3]: "So he went and took Gomer the daughter of Diblayim." ["Gomer" (which means conclusion), said R. Jehudah, "was so called because at that time the money of the Israelites was about to be abolished," and R. Johanan said: "It was already abolished, for the Israelites were robbed of all possessions, as it is written [II Kings xiii. 7]: 'For the king of Syria had destroyed them and had made them like the dust at threshing.'"] It is further written: "And she conceived and bore him a son" [Hosea i. 4]. "And the Lord said unto him, Call his name Yizre'el (God will scatter, etc.)." [Ibid. 6:] "And she conceived again and bore a daughter; and He said unto him, Call her name Loruchamah (not finding mercy); for I will not further have any more mercy upon the house of Israel; but I will give them their full recompense, etc." [Ibid. 8:] "Now when she had weaned Loruchamah, she conceived, and bore a son." [Ibid. 9:] "Then said He, Call his name Lo'ammi (not my people); for ye are not my people, and I will indeed not be unto you (a God)." So after Hosea had born unto him two sons and a daughter, the Lord said unto him: "Shouldst thou not have learned from the example of Moses, who, immediately after I began to speak to him, separated himself from his wife? Then as he did, so also shalt thou do." Hosea answered: "Lord of the Universe! I have children with her, and cannot cast her off nor send the children away." So the Lord replied: "If then thou, who hast a wife of prostitution and whose children thou knowest not even whether they be thine, canst not separate thyself from her, how then can I cast off my children (Israel), whose fathers, Abraham, Isaac, and Jacob I have tried—Israel, which is one of the four acquisitions which I have acquired in my world [see Aboth, Chap. VI., and Exod. xv. 16], and thou wouldst tell me to exchange them for another nation!"

As soon as Hosea realized that he had sinned, he commenced to pray for mercy for himself, and the Lord said unto him:

"Instead of praying for mercy for thyself, pray rather for mercy for Israel, for through thee I pronounced those three invectives [mentioned above] against them." So he followed the behest of the Lord, and after praying for Israel, the three invectives were retracted and annulled. Finally, when this came to pass, Hosea commenced to bless the people, as it is written [chap. ii. 1-3]: "Yet shall the number of the children of Israel (once) be like the sand of the sea, which cannot be measured nor numbered; and it shall come to pass that, instead that people say of them, Ye are not my people (Lo'ammi), shall they call them the sons of the living God. Then shall the children of Judah and the children of Israel be gathered together, and they will appoint for themselves one head, and they shall go up out of the land; for great shall be the day Yizre'el. Call ye your brothers Ammi (my people); and your sister, Ruchamah (that hath obtained mercy)."

R. Johanan said: Woe is to a dominion that overwhelms its own master, for we find that there was not one prophet who did not outlive four kings, as it is written [Isaiah i. 1]: "The vision of Isaiah the son of Amoz, which he saw concerning Judah and Jerusalem in the days of Uzziyahn, Jotham, Achaz, and Hezekiah, the kings of Judah," and this also with the other prophets.

R. Johanan said again: Why was it destined for Jeroboam, king of Israel, to be counted with the kings of the house of David? (*Vide* Hosea i. 1.) Because he did not listen to calumny brought against Amos, as it is written [Amos vii. 10]: "Then sent Amazyah the priest of Beth-el, to Jeroboam the king of Israel, saying, Amos hath conspired against thee in the midst of the house of Israel," etc.; and further, it is written [ibid. 11]: "For this hath Amos said: By the sword shall Jeroboam die," etc., and Jeroboam answered: "God forbid that the righteous man (Amos) should have said this; but if he did, what can I do concerning him? Surely the Shekhina put the words in his mouth!"

R. Elazar said: Even when the Lord is angered, he also remembers His mercy, as it is written [Hosea i. 6]: "I will not farther have any more mercy upon the house of Israel; but I will give them their full recompense," reads: "I will not (go) farther; I will have mercy upon them," \* etc.

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\* This version of the verse R. Elazar bases upon the fact that the Hebrew term "Ara'hem" means "I will have mercy upon them," and if it were as translated in the first version of the passage the term used would be "Lera'hem."

R. Jose bar Hanina said: "The latter part of the verse can be construed to mean that 'their sins will be obliterated.'"

R. Elazar said again: "The Holy One, blessed be He, sent the children of Israel into exile among the heathens only for the purpose of acquiring more converts, as it is written [Hosea ii. 25]: 'And I will sow her for me in the land,' and as a matter of course sowing is done in order to reap a harvest."

R. Johanan infers it from the next passage [ibid. ibid.]: "I will have mercy upon 'Her that had not obtained mercy,'" refers to the heathens who were not yet converted and upon whom mercy will be had by scattering among them the Israelites as fruitful seed.

R. Johanan said in the name of R. Simeon ben Jochai: It is written [Proverbs xxx. 10]: "Do not calumniate a servant unto his master: lest he curse thee, and thou incur guilt," and further, it is written [ibid. 11]: "There is a generation that curseth its father, and doth not bless its mother," which signifies that even in a generation that curseth its father, etc., a man should not slander the slave to his master. Whence do we know this? From the instance of Hosea (who spoke in a derogatory manner of Israel and thereby incurred the wrath of the Lord).

R. Oshiya said: It is written [Judges v. 11]: "'*Tzidkath Pirzono Be-Israel*'" (the benefits towards the open towns in Israel). Read instead: "'*Tzidkath Pizrono Be-Israel*'" (the benefits conferred on Israel by scattering them among the nations). This is in accord with the statement of a Roman official to R. Hanina; viz., "We are better men than ye are; for concerning you it is written [II Kings xi. 16]: 'For six months did Joab remain there with all Israel, until he had cut off every male in Edom.' Yet we, who have dominated over you so long a time, have not destroyed you." Said R. Hanina to him: "Wouldst thou permit, that one of my disciples should argue the matter with thee?" (The official acquiesced.) R. Oshiya then came up and said to him: "The only reason why ye have not destroyed Israel, is because ye know not how to proceed. Should you desire to destroy all the Jews, it would be impossible, for there are numbers who are beyond your dominions; should you only destroy those that dwell among you, you would be called a curtailed dominion (because there would be a nation missing)." The official then answered: "I swear by the ruler of Rome that, when deliberating upon this matter, we begin and end with that argument."

R. Hyya taught: It is written [Job xxviii. 23]: "God alone understandeth her way, and he knoweth her place," which signifies, that God knew that the children of Israel could not bear the tyrannical behests of the Edomites (or Romans), and for that reason He sent them into exile to Babylon or Persia, where they were not compelled to suffer so much.

R. Elazar said: Why was Israel exiled to Babylon? because Babylon is as low as the grave, and it is written [Hosea xiii. 14]: "From the power of the grave would I ransom them, from death would I redeem them." R. Hanina said: "They were exiled to Babylon because the language there is similar to the vernacular of the Law." R. Johanan said: They were exiled there because that was their native country (for Abraham came from Babylon); and this may serve as an example of a man who becomes angry with his wife and sends her back to her mother, and this is according to R. Alexandre's opinion, who said: "Three things returned whence they originated; namely, "Israel, the money carried out of Egypt by the Israelites, and the script of the tablets of the Law": Israel, as just mentioned; the money carried out of Egypt, as it is written [I Kings xiv. 25]: "And it came to pass in the fifth year of King Rehoboam, that Shishak the King of Egypt came up against Jerusalem [ibid. 26], and he took away the treasures of the house of the Lord and the treasures of the king's house, etc."; "the tablets," as it is written [Deutr. ix. 17]: "And I broke them before your eyes," and we have learned in a Boraitha that the tablets were broken and that the letters inscribed thereon vanished.

Ula, however, said: "Israel was exiled to Babylon because the necessities of life were cheap there, and the men would thus be enabled to live cheaply and at the same time study the Law." Ula once came to Pumbaditha, and a basket of dates was brought to him; so he asked how many baskets like that could be bought for one zuz, and he was told that three could be bought for one zuz. Said he to himself: "A big basket of honey for one zuz, and still the Babylonians do not study the Law sufficiently!" He ate too many dates, and it proved injurious to him. Said he to himself this time: "A whole basket of poison for one zuz, and still the Babylonians study."

R. Elazar said again: It is written [Isaiah ii. 3]: "And many people shall go and say, Come ye and let us go up to the mountain of the Lord, to the house of the God of Jacob." Of the God of Jacob, and not Abraham and Isaac? (Not that the

God of Jacob is not also the God of Abraham and Isaac,) but the house of God is not the mount concerning which it is written [Genesis xxii. 14]: "On the mount of the Lord shall it be seen," nor yet the field of Isaac where he went out to perform his devotions [Gen. xxiv. 63], but the house of the God of Jacob, as it is written [Gen. xxviii. 19]: "And he called the name of the place Beth-el (house of God)."

R. Johanan said: The day on which all the children of Israel will be recalled from exile will be as great as the day on which the world was created, because it is written [Hosea ii. 2]: "Then shall the children of Judah and the children of Israel be gathered together, and they will appoint for themselves one head, and they shall go up out of the land; for great shall be *the day* of Yizreël"; and as it is written [Genesis i. 5]: "It was evening and it was morning, the first *day*," and hence the comparison.

"*If several guardians of an orphan have slaughtered,*" etc. Infer from this, then, that there is such a thing as premeditated choice! Said R. Zera: It is written [Exod. xii. 3]: "A lamb for every house," and that signifies, that the head of the house can slaughter a lamb for the entire family without consulting them.

The rabbis taught: "It says: 'A lamb for every house.' Whence we may infer that a man may slaughter the lamb for his minor sons and daughters, for his Canaanitish bond-men or bond-women, whether he have their consent or not; but he must not slaughter it for his adult sons and daughters, for his Israelitish bond-men or bond-women, or for his wife, without their consent."

"*A slave belonging to two masters,*" etc. R. Aina the Elder propounded a contradictory question to R. Na'hman: "We have learned in our Mishna that a slave belonging to two masters must not eat the paschal lamb at the houses of both, and in another Boraitha we have learned that if he chooses he can eat it at either one or the other," and R. Na'hman answered: "Old Aina! This is a case analogous to you and myself. (If we are on good terms we can partake of a joint meal, and) thus also the Mishna treats of masters who are not on good terms with each other, while the Boraitha treats of masters to whom it makes no difference where the slaves eat."

MISHNA: If a person order his slave to go and slaughter for him the paschal sacrifice, and the slave go and slaughter a

kid or a lamb, he may eat it; if he slaughter a kid and a lamb, he may only eat that which he slaughtered first. How is he to act when he has forgotten the exact words of the order of his master? He should kill a lamb and a kid, and say (at the time of the killing and sprinkling of the blood), "If my master said 'a kid,' then may the kid be for him and the lamb for me, but if he said 'a lamb,' then be the kid for me and the lamb for him." If the master also had forgotten the precise terms of the order he gave, both animals must be burned, and neither master nor slave is bound to bring a second paschal sacrifice.

GEMARA: It is self-evident that if the slave slaughtered a lamb, although he generally slaughtered a kid, he may partake of the lamb, and if he slaughtered a kid, contrary to his usual custom of killing a lamb, he may eat of the kid; but is not the further statement in the Mishna, to the effect that if he slaughtered both he should only eat of that which he slaughtered first, contrary to the teaching of the Boraitha "that one man should not be appointed to eat of two paschal sacrifices" (how then may he eat of the offering slaughtered first)? The Mishna treats of the case of a king and a queen, as we have learned in a Boraitha, viz.: "One man must not be appointed to eat of two paschal sacrifices"; but it happened that a king and a queen ordered their slaves to slaughter the paschal sacrifice for them, and the slaves went and slaughtered two—a kid and a lamb. Afterwards they came to the king and asked him (which of the two he would eat), and he told them to ask the queen. When they asked the queen, she ordered them ask Rabbon Gamaliel, and when they came to R. Gamaliel he said: "In the case of the king and the queen, who are not particular whether they eat a kid or a lamb, they should eat of the first one slaughtered; but if this occurred to a man in our condition of life, he would not be allowed to partake of either."

At another time it happened that a reptile was found in the slaughter-house of the king, and it was thought that the reptile was dead, thus causing the entire meal prepared for the king and queen to become unclean. The servants came to the king and asked him concerning the matter, and he referred them to the queen, who in turn ordered them to inquire of Rabbon Gamaliel. When they came to R. Gamaliel, he asked them where the reptile had been found—among hot (food) or cold. They answered that it was found among hot; so he told them to get a cup of cold water and pour it on the reptile. This was done,



and the reptile moved. Accordingly R. Gamaliel held all the meal to be undefiled (for only the *dead body* of a reptile causes defilement, but not a live one). From this we can see, that the king depended upon the queen and the queen upon R. Gamaliel, and thus the entire meal of the king depended upon the decree of Rabbon Gamaliel.

"*If the master also had forgotten the precise terms of the order,*" etc. Said Abayi: "Such is the case only if he had forgotten *after* the blood of the sacrifice had been sprinkled, for at that time the sacrifice was already fit to eat, and therefore no second Passover-sacrifice is necessary; but if he had forgotten *prior* to the time when the blood was sprinkled, in which case the sacrifice was not yet suitable to be eaten, he must bring a second Passover-offering."

According to others, Abayi did not make the above statement with reference to the Mishna but with respect to the Boraitha which follows: "If five skins of five different sacrifices were mixed and a blemish was found on the skin of one, all five sacrifices must be burned, but still neither one of the five owners need bring a second Passover-sacrifice." Commenting on this, Abayi said: "They need not bring a second sacrifice if the skins had become mixed after the sprinkling of the blood; for when the blood was sprinkled there were four of the sacrifices fit to be eaten. But if they had become mixed prior to the sprinkling, in which case none of the five were yet fit to be eaten, the owners are in duty bound to bring second Passover-offerings."

Those who hold that Abayi refers the statement mentioned to the Mishna, hold so much the more that he makes it with respect to the Boraitha also; but those who hold that he refers it to the Boraitha, maintain that in all probability he does not make the statement with reference to the Mishna: because in the case of the Boraitha one of the sacrifices was beyond doubt invalid through the blemish on the skin, and therefore a second Passover-offering should be brought; but in the Mishna the sacrifices were at all events valid, and the owner had merely forgotten what he had ordered. Still to the Lord his intention was known, and for that reason a second Passover-offering is not necessary.

The Master said (in the Boraitha): "Neither of the five owners need bring a second Passover-sacrifice." Why not? One of them had surely not acquitted himself of his duty! Because it is impossible to remedy the case. Should each of the

five bring a second Passover-offering, the four whose sacrifices were valid will be guilty of bringing ordinary animals into the Temple for paschal sacrifices, and that is prohibited. Should all five bring but one, then it will be eaten by persons not appointed for that purpose. Hence all five are exempted.

MISHNA: If a man say to his sons: "I slaughter the paschal sacrifice for whichever one of you shall arrive first in Jerusalem; then the first of them, whose head and greater part of the body first appears (in the city gate), thereby acquires a right to his own share and acquires the same for his brothers.

GEMARA: Infer therefrom that there is such a thing as premeditated choice (for originally the man did not know which one of his sons would arrive first, and when one *did* arrive, it must be assumed that that son was the one for whom the man intended to slaughter the sacrifice at the time of slaughtering). Said R. Johanan: "The man actually intended the sacrifice for all of his sons, but he merely mentioned the one who arrived first in order to cause his sons to hasten to fulfil their duty." This can be inferred from the Mishna itself, which teaches that the one son can also acquire the right to their shares for his brothers. This would be proper if the man intended the sacrifice for all his sons to commence with; but if we should say, that he did not intend it for all of them at the time of the slaughter, how can a right be acquired for them after the slaughtering had been done? for we have learned in a Mishna: "They may be numbered for the sacrifice, and can withdraw from it only until the time of slaughtering." Such, then, is the conclusion.

We also learned in support of this in a Boraitha: It once happened that the daughters of a man made their appearance before the sons did, and the daughters were consequently held to be alert while the sons were tardy.

MISHNA: As many people may partake of a paschal sacrifice as can obtain therefrom the quantity of flesh of the size of an olive. Those that were appointed to eat it may withdraw (from the company) before the paschal sacrifice is slaughtered. R. Simeon said: "They may do so until the blood thereof is sprinkled."

GEMARA: What would (this Mishna) teach us? It would inform us that, even if one company had already been numbered to eat the sacrifice, another company may nevertheless be appointed, provided always that there will be a quantity of flesh of the size of an olive for each member of the second company.

" *Those that were appointed to eat may withdraw,*" etc. Said Abayi: The point of difference between the sages and R. Simeon is only as regards the withdrawal. The sages hold that the passage [Exod. xii. 4]: " And if the household be too small for a lamb," refers to a lamb which is still alive, while R. Simeon holds that it refers to a lamb which is still on hand (in a slaughtered state); but as for the appointment of the company, all agree, that this can be done only until the time of slaughtering, because it is written [ibid. ibid.]: " According to the number of souls," and immediately following it says, " shall ye make a count for the lamb."

We have learned in a Boraitha in accordance with the above: Those appointed to eat of the sacrifice may withdraw until the time of the slaughter; but R. Simeon says: " The appointment may be made until the time of the slaughter; but withdrawal therefrom may be effected until the sprinkling of the blood."

MISHNA: If a person had appointed others to partake with him of his share of the paschal sacrifice, his company are at liberty to give him his share so that he may eat it apart from them with his guests, and they may eat their own share (apart from him and his guests).

GEMARA: The schoolmen propounded a question: If a member of a company have a larger capacity than the other members, may the rest of the company offer him his share to eat separately, or can he insist upon his right to partake of the sacrifice jointly with them? And can they, on the other hand, maintain that they received him as a member only in order to prevent a remainder being left over from the (consecrated) sacrifice, but that they did not calculate upon his appropriating more thereof than the other members of the company?

Come and hear! If a member of a company had a larger capacity than the other members, the rest may say to him: " Take thy share and go!" and not only this; but even if five persons had formed a partnership for the entire year and one of them appropriated more than his due, the others might say to him: " Take thy share and go!" Hence the conclusion.

What additional information would the statement, " not only this, but even if," etc., impart to us? We are told by this statement, that not only can a man be ousted from a company appointed to eat the paschal sacrifice on the ground that he was taken in only to avoid having a remainder left over, but even in an ordinary case of partnership, where such a claim cannot be

brought forward, a man may be ousted if appropriating more than his just share.

According to another version, this was not the subject at issue, but the question was merely whether a company which had gone into partnership (for any purpose whatever) might be divided or not. Come and hear: If a member of a company had a larger capacity than the other members, he might be told to "take his part and go"; whence we may infer that this may be done only if he had a larger capacity than the others, (because he was taken in only to avoid a remainder being left over,) but where such a claim cannot be put forth he cannot under any circumstances be ousted. Such is the conclusion.

R. Papa and R. Huna the son of R. Jehoshua agreed to take a meal in common. In the time it took R. Huna to eat one (date) R. Papa would consume four. Said R. Huna to him: "Give me my share (and let me go)!" and R. Papa answered: "We are in company! (Eat also as quickly as I do.)" Whereupon R. Huna propounded to him the previous questions (concerning divisions of partnership mentioned above), and was answered accordingly. He then asked him concerning the Boraitha, bringing the instance of an ordinary partnership (cited above), whereupon R. Papa gave him his share.

R. Huna then left and made common cause with Rabhina. In the time R. Huna bar R. Jehoshua would eat one (date) Rabhina would consume eight. So R. Huna said: "Rather an hundred Papas than one Rabhina."

The rabbis taught: If one man invite several others to go with him and partake of his paschal or festal offering, the money in his possession obtained from the guests he invites is non-consecrated, (notwithstanding the fact that money was given with the intention of applying it to a consecrated purpose). One who sold his burnt-offering or his peace-offering is not considered to have done anything, and the money obtained, whatever it be, should be applied to a voluntary offering. If the man is not considered to have done anything, why should the money obtained be applied to a voluntary offering? Said Rabha: This is virtually a punishment for the purchaser (in order to prevent him from buying burnt and peace offerings from another); (for not the mouse is the thief but the hole, *i.e.*, the thief is not as guilty as the receiver of stolen property who aids him). What is the meaning of "whatever it be"? This means to imply, that even if the amount paid was in excess of the value of the

sacrifice, *f.i.*, it was worth four, and five (zuz) were paid, even the one zuz in excess of the value is assessed as a punishment, and not, as might be assumed, allowed the purchaser.

MISHNA: If a person, having a running issue, had observed such issue twice on the same day, and the seventh day after (his malady had subsided) fall on the 14th day (of Nissan), (when he is no longer defiled), he may have the paschal sacrifice slaughtered for him on that day; but if he had observed the issue three times in one day, it may be slaughtered for him only if the eighth day (when he again becomes clean) should fall on the 14th (of Nissan). For a woman whose menstruation continued for a day beyond her regular period, the paschal sacrifice may be slaughtered if the second day (after her menstruation had subsided) fall on the 14th (of Nissan); if it continued two days beyond her regular period, the sacrifice may be slaughtered for her if the 14th (of Nissan) fall on the third day after the menstruation had subsided; but for a woman whose flow of menses continued three days beyond her regular period, the sacrifice may be slaughtered only if the 14th (of Nissan) fall on the eighth day after the flow had stopped.\*

GEMARA: R. Jehudah said in the name of Rabb: "For a person who had a running issue the paschal sacrifice may be slaughtered on the day on which he takes his legal bath even before the sun had set on him (if that day be the 14th of Nissan). The same law applies to one who had already bathed, but had not yet received forgiveness from the altar (*i.e.*, had not yet brought the legal sacrifice); but for one who had contracted uncleanness through contact with a dead reptile the sacrifice must not be slaughtered nor the blood sprinkled, even though he may legally take his bath on that day." Ula, however, said, that for the latter also the sacrifice may be slaughtered and the blood sprinkled.

According to Rabb, why may the sacrifice be slaughtered for one who had a running issue and had taken his legal bath? because he will at night be allowed to partake thereof. Why, then, should he not accord the same permission in the case of one who had become defiled through a dead reptile? For the reason that the latter had not yet taken his legal bath. But even for the one who had bathed, is not sunset lacking? The

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\* The detailed laws concerning the cases under discussion in the Mishna will be brought forward in Tract Niddah.

sunset must eventually take place, while one may neglect to take a bath. What about the one who still lacks forgiveness? Surely that may be delayed? The case of a man is spoken of, who already has the necessary sacrifice in his possession. If that be the case, then the one who had not yet taken his bath can claim that the bath is ready for him? Still, there is fear that he might not take advantage of it. Can this not also be the case with the one who lacks forgiveness, even if he have the sacrifice in his possession? "In his possession" signifies, that the sacrifice had already been delivered to the tribunal of the priests, and this is in accordance with R. Shamaiah's opinion, which reads: "We are certain that the tribunal of the priests does not adjourn until all the money contained in the chests and set apart for the sacrifices of the day is properly disposed of."

Let us see! Rabh, who does not permit the sacrifice to be slaughtered for one who had become defiled through a reptile and had not yet bathed, does so, because he claims that there is fear lest the man should not take his legal bath, which is merely a rabbinical precautionary measure, while according to biblical law the precaution is dispensed with and the sacrifice may be slaughtered for him. How, then, can Rabh prescribe that if a congregation is equally divided between clean and unclean members, one of the clean should be defiled by being brought in contact with a reptile? Therefore we must say, that, according to Rabh, one who had become defiled through contact with a reptile cannot even according to biblical law have the sacrifice slaughtered for him; for it is written [Numbers ix. 10]: "If any man whatever should be unclean by reason of a dead body," and we know that even if the seventh day of such a man's uncleanness fall on the eve of Passover, still the Law prescribes that he should bring his sacrifice on the second Passover, and the seventh day is the equivalent of a day on which a man had become defiled through a dead reptile.

Whence do we know, that the seventh day fell on the eve of Passover, perhaps it is not the seventh day (but the fifth or sixth)? Because we know that Rabh holds with R. Itz'hak, who states as follows: "It is written [ibid. ix. 6]: "But there were certain men who had been defiled by the dead body of a man, and they could not prepare the Passover-lamb on *that day*." Whence we adduce, that they were defiled by a corpse for which no burying-ground had been provided, and the seventh after their defilement happened on the eve of Passover, because it is

distinctly written, "on that day," which signifies, that though they could not prepare the sacrifice "on that day" they could do so on the morrow, and still the Law prescribed that they should bring their sacrifice on the second Passover.

MISHNA: For a mourner who has lost a relative, for whom he is obliged to mourn, on the 14th (of Nissan); for a person employed in digging out of a heap of fallen ruins persons buried among them; for a prisoner who has the assurance of a release (in time to eat the paschal sacrifice); and for aged and sick persons, it is lawful to slaughter the paschal sacrifice while they are able to partake thereof a quantity at least the size of an olive. For none of these, however, may it be slaughtered on their account alone, because they may cause the paschal offering to become desecrated and useless; therefore, if any one of the persons enumerated becomes disqualified to partake of the paschal sacrifice, he need not bring a second, with the exception of a person who had dug out a dead body from beneath the ruins, since such a person is unclean to commence with.

GEMARA: Said Rabba bar Huna in the name of R. Johanan: A prisoner on whose account alone the paschal sacrifice should not be slaughtered is one who is imprisoned in the prison of the heathens; but one who is in a prison of the Israelites, if his release for that day was promised him, may have the paschal sacrifice slaughtered for him, because the promise will surely be fulfilled, as it is written [Zephaniah iii. 13]: "The remnant of Israel shall not do injustice, nor speak lies." R. Hisda said: "In treating of the prisons of the heathens, only such are meant as are outside of the walls of Beth Paagi; but if a prisoner is confined in a prison of the heathens inside of the walls of that place, he may have the paschal sacrifice slaughtered for him even if he be not released on the eve of Passover, as it may be brought to him while in confinement and he is allowed to partake thereof."

"Therefore, if any one of the persons enumerated becomes disqualified," etc. Said Rabba bar Hana in the name of R. Johanan: "Thus we have also learned in a Boraitha in the name of R. Simeon the son of R. Johanan ben Broka, viz.: If a man dig out of a heap of fallen ruins (persons buried among them), he is sometimes exempt from the duty of bringing a second Passover-offering and at other times he is obliged to do so. How so? If the heap was round and when commencing to dig he virtually formed a tent over the corpse which he was attempting

to dig out, and at the time the paschal offering was being slaughtered, he was already unclean and should therefore bring a second Passover-offering; but if the heap was oblong and the digging was commenced at the side, it is doubtful whether by the time the corpse was reached, (making the man unclean,) the sacrifice had already been slaughtered, and wherever there is a doubt a second Passover-offering need not be brought."

**MISHNA:** The paschal sacrifice must not be slaughtered for a single individual. Such is the dictum of R. Jehudah. R. Jose, however, permits this to be done. It must not be slaughtered even for a company of a hundred persons, if each one of them cannot eat as his share at least a piece the size of an olive. Neither may a company for the purpose of eating the paschal sacrifice be formed of women, with slaves and minors.

**GEMARA:** The rabbis taught: Whence do we know the paschal sacrifice must not be slaughtered for a single individual? because it is written [Deut. xvi. 5]: "Thou mayest not slay the passover within any one," etc., and this signifies, that it must not be slaughtered for one (person). Such is the dictum of R. Jehudah. R. Jose, however, said: "If one can eat the entire sacrifice it may be slaughtered for him; but if ten cannot eat it up entirely, then it must not even be slaughtered for the ten." How then will R. Jose explain the term "any one" in the passage quoted? He will apply it to the dictum of R. Simeon as follows: We have learned in a Boraitha: R. Simeon said: "Whence do we know that one who slaughtered a paschal sacrifice on an altar of his own (not in the Temple) is guilty of transgressing a negative commandment? This is demonstrated by the passage: "Thou mayest not slay the passover in any one of thy gates." Shall we assume, that even in the interim between the destruction of the first Temple and the erection of the second, when it was allowed to slaughter the paschal sacrifice outside of the Temple, one would also be culpable if he slaughtered it on his own altar? (Nay; for) to that end it is written, "in any one of thy gates," which signifies that only when there was a common gate for all the Israelites this would constitute a transgression; but when there was not, no guilt was incurred.

R. Uqba bar Hinana of the city of Prishna propounded a contradictory question to Rabha: "How can R. Jehudah say, that the paschal sacrifice must not be slaughtered for a single individual—have we not learned in a Boraitha: For a woman



the first paschal sacrifice may be slaughtered individually; but in the case of the second sacrifice she must be counted in with a company; such is the decree of R. Jehudah?

Rabha answered: "Do not read, 'may be slaughtered for her individually,' but 'for *them* separately,' which means that there were several women together." Rejoined R. Uqba: "But have we not learned in our Mishna that a company must not be formed of women, slaves, or minors, *i.e.*, of any of the three?" and Rabha replied: "Nay; it means that a company must not be formed of the three together. It must not be formed of women and slaves, in order to prevent sin; not of slaves and minors, in order not to spoil the manners of the children."

R. Jacob said in the name of R. Johanan: A company should not be formed entirely of proselytes, because they are over-scrupulous and may cause the sacrifice to become invalid.

The rabbis taught: The paschal sacrifice, the eating of unleavened bread and of bitter herbs, are only obligatory on the first day of the Passover, but after that it is optional, and a man may or may not perform either. R. Simeon, however, said: "These duties are obligatory for men during the entire festival, but for women they are obligatory only on the first day?"

To what does R. Simeon refer? Shall we say to the paschal sacrifice—that may only be brought on the eve of the first day? Hence we must assume that he refers to the eating of unleavened bread and bitter herbs? Does not R. Simeon hold with the dictum of R. Eliezer to the effect that women are in duty bound to eat unleavened bread by biblical law; because it is written [Deut. xvi. 3]: "Thou shalt not eat therewith any leavened bread; seven days shalt thou eat therewith unleavened bread," etc., from which R. Eliezer infers that, as it is prohibited to eat leavened bread, it is obligatory to eat unleavened bread, and this rule applies to women also? Therefore say, that the paschal sacrifice and eating of unleavened bread and bitter herbs are obligatory on the first day only, and optional thereafter; and R. Simeon said, that the paschal sacrifice on the first day is obligatory for men only, and women are exempt (because it is a positive commandment dependent upon its season).

MISHNA: A mourner (who is obliged to mourn for a near relative who is not yet interred) may eat of the paschal sacrifice at eve after having taken his legal bath, but must not eat of other holy sacrifices. One, however, who has only received informa-

tion of the decease of a near relative, or who has the bones of a deceased person exhumed (and removed) for him, may eat even of other holy sacrifices after having bathed. A Gentile proselyte, who was circumcised on the day before the Passover festival may, according to Beth Shammai, bathe himself, and eat in the evening of the paschal sacrifice. Beth Hillel, however, say: "One who has parted from the uncircumcised must be considered as one who has just parted from the grave." \*

GEMARA: Why may a mourner eat of the paschal sacrifice? Because, while on the day of the decease of the relative the mourner is, according to biblical law, exempted from the performance of all religious duties, on the night of that day the Tana (of the Mishna) holds that he is exempt only by rabbinical law, and on account of rabbinical law they would not assume the responsibility of avoiding a commandment the non-observance of which is punishable with Kareth (being cut off). As for other holy (sacrifices) which do not involve such punishment, if not partaken of they held the rabbinical law to be effective.

"*Who has the bones of a deceased person exhumed,*" etc. Must not a man who exhumes the bones of a deceased person undergo the period of uncleanness for seven days and be sprinkled on the third and the seventh. Read in the Mishna, that a man is referred to who has the bones exhumed *for him*, and thus is only bound to mourn.

"*A Gentile proselyte, who was circumcised,*" etc. Said Rabba bar bar Hana in the name of R. Johanan: They differ only concerning a Gentile proselyte, for Beth Hillel hold that it might happen on the next year that the Gentile should be unclean, and say: "I will bathe and eat of the paschal sacrifice," thinking that having done so the preceding year he is allowed to do it also then, and not realizing that in the preceding year he had not yet been an Israelite and therefore not subject to uncleanness, while this year he is now an Israelite and is subject to the law of uncleanness. Beth Shammai, however, maintain that such a precautionary measure is not necessary. As for an Israelite, however, who had been circumcised on the day before the Passover, all agree that he may after bathing partake of the sacrifice and that the precautionary measure is in his case superfluous.

The same we have learned in a Boraitha in the name of R. Simeon ben Elazar.

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\* And is therefore unclean for seven days; hence he must not eat the paschal sacrifice.

## CHAPTER IX.

REGULATIONS CONCERNING THE SECOND PASSOVER—THE PASSOVER  
AT THE EXODUS FROM EGYPT—CONCERNING CASES WHERE THE  
PASCHAL SACRIFICE HAD BECOME MIXED.

MISHNA: Persons who, in consequence of being (ritually) unclean or on a distant journey, did not observe the first Passover, must observe the second. Also such as have, either through error or compulsion, been prevented from observing the first, must observe the second Passover. Why, then, the verse [Numb. ix. 10]: "If any man whatever be unclean by reason of a dead body, or be on a distant journey"? In order to teach us, that in case of the neglect of the observance of the second Passover by them, they do *not* incur the penalty of Kareth (excision), but others do incur it.

GEMARA: It was taught: If a man was on a distant journey and the paschal sacrifice was slaughtered and the blood sprinkled for him also, R. Na'hman said that the offering is accepted for him, and he need not observe the second Passover; because the Merciful One had pity on him: but if he offered up a second Passover-sacrifice nevertheless, an additional blessing is bestowed upon him. R. Shesheth, however, said: "The offering is not accepted for him, even from the fact that the keeping of a second Passover has been provided for by the Law, as if he were unclean; hence the offering brought for the man is not even considered as brought at its proper time, and hence is of no account."

Said R. Na'hman: "I adduce my teaching from the Mishna itself; for it states, 'that persons who, in consequence of being unclean or on a distant journey, did not observe the first Passover,' implying thereby, that had they chosen to do so they could have observed the first Passover." Said R. Shesheth: "Then how can we account for the latter clause of the Mishna, which states, that such as have, either through error or compulsion, been prevented from observing the first; shall we assume that they could in this case also, had they chosen to do so, observe the first Passover, were they not prevented by compulsion? Therefore we

must say, that the latter case includes even one who intentionally neglected the observance of the first Passover, and he should observe the second. Thus also the first case, by stating, 'did not observe the first Passover,' includes mourners (who mourn for a dead relative that was not yet interred)."

The rabbis taught: "The following persons are obliged to observe a second Passover: Men and women afflicted with a running issue, men and women afflicted with sores, women suffering from their menstruation and such as had sexual intercourse with them during that time, women lying in, those that neglected the observance of the first Passover either through error or compulsion, those that neglected it intentionally, those that were unclean, and those who were on a distant journey. If all these are included, why does the verse mention only those that were unclean and on a distant journey? In order to exclude these from the penalty of *Kareth*."

This teaching of the rabbis coincides with the opinion of R. Na'hman to the effect that if a paschal sacrifice had been slaughtered for one who was on a distant journey it is favorably accepted.

Is a woman, then, obliged to bring a second Passover-offering? Have we not learned in a Boraitha: We might assume that the duty of offering the second Passover-sacrifice was only incumbent upon those who were unclean (through contact with a dead body) and upon those who were on a distant journey; whence do we know that men having a running issue, men afflicted with sores, and one who had sexual intercourse with a woman suffering from her menstruation are also included? To that end it is written [Numbers ix. 10]: "any man whatever." Thus we see that "man" is mentioned, but not woman? This presents no difficulty. According to R. Jose women are also bound to bring the second Passover-sacrifice, while according to R. Jehudah and R. Simeon women need not.

The rabbis taught: "Kareth is the penalty for the non-observance of the first Passover as well as of the second." Such is the dictum of Rabbi. R. Nathan, however, said that punishment is incurred only for the non-observance of the first, but not of the second Passover. R. Hananiah bar Aqabia said: "Even for the non-observance of the first Passover the penalty is not incurred unless the second Passover is also not observed."

The opinions of all three are in accordance with their individual theories, as we have learned in the following Boraitha:

If a proselyte had become converted (to the Judaic faith) in the interim between the two Passovers, or if a minor had attained his majority during that time, Rabbi holds that they should observe the second Passover. R. Nathan, however, says that only one who was obliged to observe the first Passover should observe the second; but not one who was not in duty bound to observe the first. Wherein do these two sages differ? Rabbi holds that the two Passovers are separate festivals, while R. Nathan maintains that the second is only supplementary to the first but not a substitute therefor; *i.e.*, the observance of the second Passover does not absolve a man from the punishment incurred for the neglect of the first; but R. Hananiah bar Aqabia states that the second Passover is merely a substitute for the first, and its observance exempts a man from the penalty incurred through non-observance of the first. All three sages adduced their teachings from the one passage, viz. [Numb. ix. 13]: "But the man that is clean, and is not on a journey." Rabbi holds that the following words, "and forbearth to prepare the Passover-lamb, even that same shall be cut off from his people," refer to the first Passover, and the sentence, "because the offering of the Lord hath he not brought at its appointed season, his sin shall that man bear," refers to the observance of the second Passover, and instead of "because" (Hebrew *Kee* \*) it should read "or." R. Nathan, however, holds to the literal text of the verse, and says that it should read, "because the offering," etc. R. Hananiah bar Aqabia says that instead of "because" it should read "if," and then the sentence will read, "if he hath not brought," etc.

Thus the conclusion is as follows: If a man had intentionally neglected the first and second Passover, all agree, that he incurs the penalty of Kareth. If he had inadvertently neglected both, all agree, that he is not culpable. If he had neglected the first intentionally and the second unintentionally, he is, according to Rabbi and R. Nathan, culpable, and according to R. Hananiah absolved. If he had neglected the first unintentionally and the second intentionally, he is, according to Rabbi, culpable, but according to R. Nathan and R. Hananiah bar Aqabia he is absolved.

MISHNA: What must be considered a "distant" journey?

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\* The Hebrew word "*Kee*" can be translated in four different ways; namely, "because," "therefore," "perhaps," and "if."

According to R. Aqiba, it is from Moodayim and beyond, and from all places around Jerusalem, situated at the same distance. R. Eliezer said: "Any distance beyond the outside of the threshold of the Temple-court should be considered as coming in under that term." Said R. Jose to him: "It was to confirm this (Rabbi's statement) that it is (even to this day) directed that a dot must be placed over the Heh in the word Rahuqa'h (meaning 'distant'), to indicate that it is not necessary that a person should actually be on a distant road, but that he is considered distant so long as he has not passed beyond the threshold of the court of the Temple."

GEMARA: Said Ula: "From Moodayim \* to Jerusalem is a distance of fifteen miles," and he is in accordance with the opinion of Rabba bar bar Hana, who said in the name of R. Johanan: "What is the distance that a man can traverse in one day? Ten Parsaoth.† From the time the morning star appears until sunrise five miles, from sunset until the stars appear five miles, and from sunrise until noon fifteen miles, and from noon until sunset fifteen miles."

Ula's reason for calling fifteen miles a distant journey is because he holds, that if a man were in Moodayim after sunrise he could not reach the court of the Temple in time to witness the slaughtering of the paschal offering.

The Master said: "From the time the morning star appears until sunrise a man can traverse five miles." Whence does he adduce this? From the passage [Gen. xix. 15]: "And as the morning dawn arose, the angels urged Lot," etc.; and further, it is written [ibid. 23]: "The sun rose over the earth, when Lot entered into Zoar"; and R. Hanina said: "I saw the distance between Sodom and Zoar, and found it to be five miles."

Thus it is said that Ula calls a journey distant if the court of the Temple cannot be reached in time for the slaughtering on the same day, and R. Jehudah says that the journey is distant if the court of the Temple cannot be reached in time for the eating of the paschal lamb on the same day. Said Rabba to Ula: "According to both thine and R. Jehudah's opinion there is a question. According to thy own opinion, for one who had become unclean through a reptile the paschal offering may be

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\* The place Moodayim is frequently mentioned in Josephus and the history of the Maccabees under the name of Modain.

† Parsaoth is plural for Parsah, which is the equivalent of four miles, called in Hebrew "Milin."

slaughtered and the blood sprinkled notwithstanding the fact that he will not become clean until evening and hence cannot enter the Temple, and still thou sayest that if a man cannot reach the court of the Temple in time for the slaughtering, the paschal sacrifice should not be slaughtered for him. Now, according to R. Jehudah, who states that if a man can reach the court of the Temple in time for eating, the paschal sacrifice may be slaughtered for him, why does he hold that the paschal offering must not be slaughtered for one who became unclean through a reptile? A man in such a condition becomes clean and may enter the Temple after sunset, and at that time the paschal lamb is eaten."

Replied Ula: "There is no difficulty, neither according to my opinion nor according to R. Jehudah's. According to my opinion there is no difficulty, for the law concerning a man on a distant journey applies only to a (ritually) clean man but not to one that is unclean; and according to R. Jehudah's opinion there is also no difficulty, for one that had become unclean through contact with a dead reptile was excluded by the Law itself, as it is written [Numbers ix. 10]: 'If any man whatever should become unclean by reason of a dead body,' etc., and we will know that a man in such a condition, even if his seventh day of uncleanness fall on the eve of Passover, must postpone his Passover-sacrifice until the second sacrifice; and is this not equivalent to a man who had become unclean through a reptile on the eve of Passover?"

The rabbis taught: If a man was situated on the further side of Moodayim, and while he could not reach the court of the Temple on foot could reach it by means of a mule (or conveyance), we might assume that if he did *not* come to Jerusalem to offer his sacrifice he is guilty; hence the passage says that only such as are not on a distant journey are culpable if they neglect the Passover, but the man under discussion *was* on a distant journey. How is it, however, if the man was this side of Moodayim, towards Jerusalem, and could reach it under ordinary circumstances, but was prevented by the obstruction caused by camels and conveyances? We might assume that such a man does not incur punishment; hence it is written, "But the man that is not on a distant journey," and such a man cannot truly be considered on a distant journey.

Rabha said: "The entire world measures six thousand Parasaths (24,000 miles), and the depth of the sky is one thousand

Parsaoth." One of these assertions is based upon tradition and the other is a reasonable conclusion, and Rabha is in accord with Rabba bar bar Hana, who said in the name of R. Johanan that the average man can walk ten Parsaoth in one day; hence if the sun traverses 6,000 Parsaoth in one day and a man can traverse  $1\frac{1}{4}$  Parsaoth between dawn and sunrise, which is a sixth of the distance he can traverse from sunrise to sunset, the sun takes one-sixth of the time to pierce the sky that it takes to traverse during the day, which is 1,000 Parsaoth, hence the sky must be 1,000 Parsaoth deep.

An objection was made: The disciples of Elijah taught: R. Nathan said: "The whole earth stands under one star, and proof is, that wherever a man is situated he sees the same star; and there being so many stars, the sky must necessarily be more than 1,000 Parsaoth deep." This objection was not answered.

The rabbis taught: "The sages of the Israelites assert, that the ring (wheel) in which the different constellations\* are situated is fixed, and every month one of the constellations appears and then recedes, making room for another, while the Gentile sages declare that the wheel is constantly turning and every month brings forth a different constellation, which is, however, fixed in its place in the wheel." Said Rabbi (in order to contradict the Gentile sages): "We have never found the Bull in the south nor the Scorpion in the north, and were it as the Gentile sages declare, the position of the constellations would constantly change."

The sages of the Israelites said: "During the day the sun moves underneath the sky and at night recedes beyond the sky," while the Gentile sages say: "During the day the sun moves underneath the sky and at night it recedes beneath the earth."

Said Rabbi: "The assertion of the Gentile sages seems to be the more reasonable, for during the day the springs are all cold and at night they are all warm."

We have learned in a Boraitha: R. Nathan said: "In the summer time the sun moves in the zenith of the sky, hence all

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\* According to the sages there were twelve different constellations, one of which appeared every month, and they were: for the month of Nissan, the Ram; for the month of Iyar, the Bull; for Sivan, the Twins; for Tamuz, the Crab; for Ab, the Lion; for Elul, the Virgin; for Tishri, the Scales; for Cheshvan, the Scorpion; for Kislev, the Archer; for Tebeth, the Goat; for Shebat, the Water-bearer; for Adar, the Fishes.



the earth is warm and the springs are cool; but in the winter the sun moves in the base of the skies, hence all the earth is cold and the springs are warm."

The rabbis taught: The sun moves in four different paths. During the months of Nissan, Iyar, and Sivan it moves over the top of the mountains, in order to melt the snow. During Tamuz, Ab, and Elul it moves in the cultivated portions of the earth, in order to ripen the fruit. In Tishri, Mar-Cheshvan, and Kislev it moves over the seas, in order to dry up the lakes; and in Tebeth, Shebat, and Adar it moves in the desert, in order not to parch the seed sown.

"*R. Eliezer said: 'Any distance,'*" etc. Even if the man can enter, is he not told to do so, or given the alternative of incurring the penalty of Kareth? Have we not learned in a Boraitha, that an uncircumcised Israelite, if he does not partake of the paschal sacrifice, incurs the penalty of excision; for he is told to be circumcised, and then partake of the sacrifice? Such is the dictum of R. Eliezer. Rejoined Abayi: "A ritually clean man is exempt by law if he is on a distant journey, and outside of the Temple is considered a distant journey; but in the case of an unclean person this privilege is not granted; and he is equal to an unclean person." Rabha, however, said: Concerning this there is a diversity of opinion among different Tanaim, as we have learned in a Boraitha: R. Eliezer said: The Scriptures mention a distant journey in the case of the paschal sacrifice and in the case of second tithes, and as in the latter instance if a man is outside of the Holy Land he is considered as being on a distant journey, so in the former case if a man is outside of the place where he is allowed to eat the paschal offering, *i.e.*, beyond the walls of Jerusalem, he is considered as being on a distant journey. R. Jose the son of R. Jehudah, however, said in the name of R. Eliezer, that a man is not considered as being on a distant journey if he is outside of the place where he is allowed to *eat* the paschal sacrifice, but only if he is outside of the place where he should *prepare* it, and that is beyond the walls of the Temple.

According to whose opinion is the statement of R. Itz'hak the son of R. Joseph to the effect that the paschal sacrifice must be brought in accordance with the condition of the majority of the people inside of the Temple; *i.e.*, if the majority of the men on the inside of the Temple-court were in a state of defilement although the majority of the entire community standing outside

of the Temple were undefiled, the paschal sacrifice must nevertheless be brought in a state of defilement (because those standing on the outside are considered as being on a distant journey)? This is in accordance with the opinion of R. Jose bar Jehudah, quoting R. Eliezer.

"*R. Jose said: 'It was to confirm this,'*" etc. We have learned in a Boraitha: R. Jose the Galilean said: The term "distant journey," as mentioned in the Scriptures, would lead us to presume that at least a three or four days' journey is meant; but as it is written further [Numb. ix. 13], "if he was not on a distant journey," we may conclude that as soon as a man is outside of the threshold of the court he is considered as being on a distant journey.

MISHNA: What is the difference between the first and second Passover? They differ, that during the (seven days of the) first Passover no leaven of any kind may be seen or even found in the house, while in the second both leavened and unleavened articles may be used in the house. At the eating of the paschal offering on the first Passover, the "Hallel" prayer must be recited but not at the eating on the second Passover. During the time, however, that the offering is sacrificed, either on the first or on the second Passover, the "Hallel" must be recited; the sacrifices on both Passovers must be roasted and eaten with unleavened cakes and bitter herbs, and the sacrifice of both supersedes the due observance of the Sabbath.

GEMARA: The rabbis taught: It is written [Numb. ix. 12]: "According to the whole ordinance of the Passover-lamb shall they prepare it." Thus this passage refers to the Passover-lamb itself; but whence do we know that its accessories are to be observed in the same manner? To that end it is written [ibid. 11]: "With unleavened bread and bitter herbs shall they eat it." Shall we assume, that all other ordinances that are not directly accessory to the sacrifice should also be observed? For that purpose it is also written [ibid. 12]: "No bone shall they break on it"; and as this behest concerns only the sacrifice when it has been slaughtered, so should all other commands be observed only in so far as they concern the paschal lamb itself.

Issi ben Jehudah said: "(All these explanations are unnecessary, as) the words, 'shall they prepare it,' signify that the behest concerns only that which belongs to the preparation of the sacrifice" (when it was slaughtered).

The rabbis taught: From the passage, "According to the

whole ordinance of the Passover-lamb shall they prepare it," we might infer that the laws ordaining against leaven being seen or found in the house should also be effective on the second Passover; to that end the single ordinance providing for its being eaten with unleavened cakes and bitter herbs is quoted, thus demonstrating that it is only in this respect that the second Passover should be observed in conformity with the first. Thus we see that so far the "whole ordinance" of the Passover-lamb was made up of the positive commandment, but whence do we derive a negative commandment on the "whole ordinance"? For that purpose it is written [Numb. ix. 12]: "They shall leave none of it until morning." Still, this negative commandment is virtually contained in the positive commandment, "they shall eat *it*," or "they shall burn what is left over." Whence do we derive, however, an independent negative commandment? The behest, "No bone shall they break on it," furnishes that negative commandment. From the particularization of this whole ordinance of the Passover we find that concerning the Passover-lamb both the first and second have in common a positive commandment, a negative dependent on or contained in the positive, and an independent negative, and thus the rule may be derived that only such behests are to be carried out on the second Passover as are covered by the three kinds of commandments on both Passovers.

What other positive commandment may be added which is analogous to the one ordaining that the paschal lamb should be eaten with unleavened cakes and bitter herbs? The one ordering that it should be roasted with fire. Which commandments, however, are excluded by the particularization? The removal of the leaven. Perhaps the contrary should be done, *i.e.*, the removal of leaven should be added to the positive and the roasting with fire should be excluded? Nay; a commandment pertaining to the sacrifice itself should be given preference. What other negative commandment contained in a positive should be added to the one, "They shall leave none of it until morning"? The negative commandment, "They shall not carry aught of the meat outside." Which negative commandment, dependent on a positive, is excluded? The one ordaining, "It shall not be seen nor found." Perhaps the contrary should be done? *i.e.*, "they shall leave none of it" should be excluded, and "it shall not be seen nor found" included? Nay; a commandment pertaining to the sacrifice itself should be given preference.

Which independent negative commandment should be added to the one, "No bone shall they break on it"? The negative commandment, "Ye shall not eat of it raw." And which should be excluded? The one stating, "Ye shall not offer up with leaven the blood of my sacrifice" [Exod. xxxiv. 35]. Perhaps the contrary should be done? Nay; a commandment bearing upon the sacrifice itself is given preference.

"*At the eating of the first paschal offering 'Hallel' should be recited, but not at the eating of the second,*" etc. Whence do we adduce this? Said R. Johanan in the name of R. Simeon ben Jehu Zadok: From the passage [Isaiah xxx. 29]: "Then shall ye have a song, as in the night when a festival is ushered in." Hence on the night which ushers in a festival "Hallel should be recited," but on the night of the second Passover, when no festival follows, the recital of "Hallel" is not necessary.

"*During the time the offering is sacrificed on both Passovers 'Hallel' should be recited.*" Why should this be done? Reason teaches us that; for will then the Israelites sacrifice the paschal lamb, hold the palm-branches in their hand, and not recite the "Hallel"?

"*The sacrifice of both supersedes the Sabbath.*" Whence we see that they supersede the Sabbath, but not uncleanness. We must say, therefore, that the Mishna is not in accordance with the opinion of R. Jehudah of the following Boraitha: "The second Passover supersedes the Sabbath, but not uncleanness. R. Jehudah, however, maintains, that it supersedes even uncleanness." What reason has the first Tana for his statement? He maintains, that if uncleanness was the cause of the postponement of the first Passover, should uncleanness on the second Passover be entirely disregarded? What is R. Jehudah's reason for his (own) opinion? He claims, that while the law requires a man to bring the paschal offering in a state of cleanness, still, if the man did not succeed to be undefiled, he may bring it in a state of defilement.

The rabbis taught: "Both the first and second Passover supersede the Sabbath. Both the first and second Passover supersede uncleanness. Both the first and second Passover require that the man who offers up the paschal lamb should remain in Jerusalem over night."

Thus we see, that concerning uncleanness the teaching of the rabbis coincides with the opinion of R. Jehudah. Shall we say,

that concerning the obligation of remaining over night the teaching of the rabbis also coincides with the opinion of R. Jehudah? Have we not learned in the following Boraitha: "R. Jehudah said: 'Whence do we know that the man bringing the second Passover is not required to remain over night in Jerusalem? From the passage [Deutr. xvi. 7]: "And thou shalt turn in the morning and go unto thy tents," while in the next verse it is written [ibid. 8]: "Six days shalt thou eat unleavened bread." Thus where unleavened bread is eaten for six days it is required that a man should remain over night, but where such is not the case it is not necessary.'" This constitutes a diversity of opinion between two Tanaim. One says that R. Jehudah requires the man to stay over night in Jerusalem when bringing the second paschal offering, while the other maintains that R. Jehudah does not.

MISHNA: When the paschal sacrifice was brought in a state of defilement, it must not be eaten by men or women having a running issue, by women in their ordinary period of menstruation, nor by lying-in women; if they have eaten thereof, however, they do not thereby incur the penalty of Kareth (excision). R. Eliezer considers these as also not subject to such punishment, if they have entered the sanctuary while in that condition.

GEMARA: The rabbis taught: Shall we assume, that if men or women having a running issue, or women in their ordinary menstrual period, or lying-in women partake of a paschal sacrifice brought in a state of defilement, they thereby incur the penalty of Kareth? To that end it is written [Levit. vii. 19]: "And as for the flesh, every one that is clean may eat thereof," and further, it is written [ibid. 20]: "But the person that eateth of the flesh of the sacrifice of peace-offering, that pertaineth to the Lord, having his uncleanness upon him, even that person shall be cut off from his people"; whence we infer, that if an unclean person eat of flesh which may be eaten only by clean persons, he incurs the penalty of Kareth, but if he ate flesh which was not fit for a clean person, *i.e.*, unclean flesh, he is not guilty. R. Eliezer said: "We might assume, that if persons having a running issue had intruded into the sanctuary while the sacrifice was being offered in a state of defilement, they thereby incur the penalty of Kareth; to that end it is written [Numb. v. 2]: 'Command the children of Israel, that they send out of the camp every leper, and every one that hath a running

issue, and whosoever is defiled by the dead,' whence we may infer, that only at the time when those defiled by the dead are sent out the lepers and those afflicted with a running issue should be sent out; but when those defiled by the dead are not sent out, as is the case during the offering of the paschal sacrifice, the lepers and those having a running issue are also allowed to remain."

R. Joseph propounded a question: "If those that have become defiled by means of a dead body had intruded into the sanctuary when the paschal sacrifice was brought in a state of defilement, shall we say that, as the court of the Temple was allowed them for the purpose of bringing the sacrifice, the sanctuary itself is also allowed them; or is only that which was explicitly allowed them rendered lawful for them to enter, but that which was not, must not be entered?"

Said Rabha: "The verse following the one quoted [Numb. v. 2] states again [ibid. 3]: 'To without the camp shall ye send them,' which means also outside of the court also; hence those who have been excluded from the court are guilty if they enter the Temple itself, but those who cannot be excluded from the court cannot be guilty if they enter the Temple itself."

R. Joseph propounded another question: "If those who have become defiled by means of a dead body have eaten of the pieces which are to be offered up on the altar, of a paschal sacrifice brought in a state of defilement, what is the law governing their case? Shall we say, that as the flesh was rendered lawful to be eaten, the pieces also became lawful, or was only that which was expressly allowed lawful, but that which was not expressly allowed, was not?"

Answered Rabha: "Let us see! Whence do we know that one can become guilty of eating unclean pieces in general? From the passage [Levit. vii. 20]: 'But the person that eateth of the flesh of the sacrifice of peace-offering, that pertaineth unto the Lord,' which means the pieces to be offered up on the altar. Now, then, if the uncleanness of the flesh itself is no longer considered, why should that of the pieces remain?"

**MISHNA:** What is the difference between the Passover as celebrated (by the Israelites while) in Egypt, and that observed by later generations? The Egyptian Passover-sacrifice was specially ordered to be purchased on the 10th (of Nissan), and it was required that its blood should be sprinkled with a bunch of hyssop on the lintel and on the two sideposts of the door; also

that it should be eaten with unleavened bread on the first night of Passover in a hasty manner; while in later generations the law of the Passover applies for the entire seven days of the festival.

GEMARA: Whence do we know all this? From what is written [Exod. xii. 3]: "Speak ye unto all the congregation of Israel, saying, On the tenth day of *this* month they shall take to themselves," etc., whence we infer that only on the tenth of *this* month, but not of the other months, in later generations shall this be done, and the same rule applies to all other laws concerning the Passover.

It is written, however [Exod. xiii. 5]: "That thou shalt perform this service in *this* month!" We adduce therefrom that in later generations each recurring month should be in all respects alike?

What significance has the passage [ibid. xii. 6]: "And ye shall keep it until the fourteenth day of *this* month"? This verse implies that the second Passover (which is similar to the Egyptian in being kept only one day) does not require four days of preliminary investigation the same as the other sacrifices.

We find another passage, however, stating [ibid. xii. 8]: "And they shall eat the flesh in *that* night," and we surely cannot say that only in that night should flesh be eaten but not in the recurring nights of other generations! This passage is required for the comparison by analogy brought by R. Elazar ben Azariah and R. Aqiba in Tract Berachoth (Benedictions).

If the main argument is centred upon the term "in *this*," why should not the same argument be applied to the passage [ibid. xii. 48]: "No uncircumcised person shall eat thereof"? He may not eat *thereof*, but why not of others? This cannot be; for the Passover laws must be observed, as we have learned, in every recurring month alike. By "thereof" in the quoted passage is merely meant the paschal lamb, but even an uncircumcised person may partake of unleavened bread and bitter herbs.

We find it written again, however [ibid. 43]: "No stranger shall eat *thereof*." We could not say, that only on that particular Passover was he not allowed to eat it but later he was, on account of the teaching previously mentioned. The term "thereof" signifies in this case that an apostate is prevented from eating the Passover-sacrifice *only* through his apostasy, but a priest who had become an apostate is not prevented thereby from eating the heave-offering. Both cases, that of the uncir-

cumcised and that of the stranger, require illustration in the Scriptures; for if the case of the uncircumcised only were mentioned, we might have assumed, that it would merely have been a disgraceful act for an Israelite who was uncircumcised to eat of the paschal lamb but that a stranger was allowed to partake thereof. If the stranger only were mentioned, we might say, that a stranger who would not eat the Passover-sacrifice as a religious duty, not having been commanded to do so, should be prohibited, but an uncircumcised Israelite whose duty it is to eat thereof should be permitted to do so. For that reason both cases are mentioned.

"*In a hasty manner,*" etc. Whence do we know this? From the passage [Exod. xii. 11]: "Ye shall eat *it* in haste," and "*it*" signifies the paschal sacrifice, but not anything else.

"*In later generations the law of Passover applies to the entire seven days,*" etc. What is meant by the law applies to the entire seven days? Surely not the paschal sacrifice! It must be then the law concerning leaven, and shall we infer therefrom, that at the Egyptian Passover it was only prohibited to eat leaven on that one night but during the day it was permitted? Have we not learned in a Boraitha: R. Jose the Galilean said: Whence do we know that on the Egyptian Passover they were not allowed to eat leaven but on one day? Because it is written [Exod. xiii. 3 and 4]: "No leavened bread shall be eaten. This day go ye out in the month of Abib," which conjoined would read: "No leavened bread shall be eaten *this day*." Thus the Mishna means to say, that the paschal lamb was offered up on the first night only of the Egyptian Passover and should only be brought on the first night of the Passover of later generations, but leaven which was not eaten but on the first day of the Egyptian Passover should not be eaten for the seven days of the Passover of later generations.

MISHNA: R. Jehoshua said: "I once heard (of my teachers), that an animal which was substituted for another animal intended for the paschal sacrifice may be offered up; and I have also heard, that it must not be offered; and I am unable to explain this." Said R. Aqiba: "I will explain it; if a paschal offering had been lost and subsequently found, before the animal intended to replace it had been slaughtered, it must be left to graze until it contracts a legal blemish, when it must be sold and peace-offerings purchased with the proceeds of the sale; so also must it be done with the animal substituted for it (and which had



become lost): if it was found after the other animal had already been slaughtered, it may be sacrificed as a peace-offering, and this applies also to any animal substituted for it."

GEMARA: Why does R. Jehoshua say, "I have heard that an animal which was substituted," etc.? Why does he not apply his statement to the paschal sacrifice direct, and say, that it may be offered up and it may not? He intends to impart to us the information, that it may even happen with a substitute for a paschal sacrifice that it may not be offered up.

The entire case presents a diversity of opinion among Tanaim, as we have learned: If a paschal sacrifice had been lost, and found before the animal intended to replace it had been slaughtered, it must be left to graze; but if the substitute had already been slaughtered, the original may be offered up as a peace-offering. R. Eliezer, however, said (that it does not depend upon the slaughter itself but upon the time of the slaughtering): If the paschal sacrifice was lost, and was found in the forenoon, it must be allowed to graze, but if found in the afternoon, even before the paschal sacrifice was slaughtered, it may then and there be offered up as a peace-offering.

"*So also must it be done with the animal substituted for,*" etc. Said Rabha: When is this case? If the original was found before the sacrifice had been slaughtered and had been exchanged for another animal at the same time; but if it was found *before* and was exchanged after that, the substitute may be offered up as a peace-offering. Why is this so? Because the slaughtering sanctifies the animal which is substituted at the time when it may still be killed; but an animal which is exchanged after the slaughter, not being suitable for a paschal sacrifice, cannot be slaughtered.

Abayi objected: We have learned in a Boraitha, that the reason it is written, "if *he* offer a sheep or a goat," is to give us the additional information that, if a substitute of a paschal sacrifice had been found after the Passover, it may forthwith be offered up as a peace-offering. Shall we assume, that the same is the case if it was found before the Passover? To that end it says "he," which refers to the sacrifice alone, but not to the substitute. What is meant by "if the substitute was found before the Passover"? Shall we assume, that the paschal sacrifice itself was found before the substitute was slaughtered and it was exchanged for another before the substitute was slaughtered? This is self-evident. Then for what purpose is the verse needed?

Therefore we must assume, that it was found before the substitute was slaughtered and exchanged afterwards, and still it may not be offered up as a peace-offering! The objection to Rabha is not replied to.

MISHNA: If a person had set apart or selected as a paschal offering a she-goat or a ewe-lamb, or a male two years old, they must be left to graze until they contract a legal blemish; they must then be sold,\* and the proceeds turned over to the fund of voluntary burnt-offerings. If a person who had selected his paschal offering die (in the interim before it is sacrificed), his son cannot bring it as a paschal offering, but must bring it as a peace-offering.

GEMARA: R. Huna the son of R. Jehoshua said: From this Mishna we can infer three things: Firstly, that although a (living) thing is not suitable for consecration, the moment it is set apart for a consecrated purpose it is rejected for any other use; secondly, that it is not absolutely necessary that a thing must be suitable for a consecrated purpose in order eventually to become rejected, but that it may become rejected even if it was at no time suitable for consecration; thirdly, that even the proceeds of the sale of a thing not suitable for a paschal offering is also rejected as a paschal sacrifice (because the Mishna itself states, that the proceeds derived from the sale of the animal which was left to graze until it contracted a blemish must be used for a peace-offering and *not* for a paschal sacrifice).

"*If a person had set apart,*" etc. The rabbis taught: "If a person had set apart a paschal offering and had died, his son may, provided he was one of the number appointed to eat it, bring it in his stead; but if he was not among the number appointed, he must not offer it as a paschal sacrifice but as a peace-offering on the 16th day of Nissan." On the 16th day and not on the 15th? Why so? Because vow and voluntary offerings must not be sacrificed on a festival. Such is the opinion of the Tana of the preceding teaching.

Now let us see! When did the father die? If he died on the forenoon of the day preceding the Passover, how can the son offer it in his stead? Is he not a mourner whose dead is not yet interred? Then he must have died on the afternoon of that day. If that was the case, then, as soon as the noon had

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\* According to the Mishna which is contained in the original Talmud, the proceeds should be devoted to peace-offerings, and the commentary Tosphet Yom Tab said such should be the right interpretation.

passed, the sacrifice was made a paschal offering in itself; how then may the son, if he was not among the number appointed to eat it, bring it as a peace-offering? Said Rabhina: "The sacrifice was set apart and the father died on the afternoon of that day. If the son was among the number appointed to eat it, the duty to sacrifice the offering superseded that of mourning for the deceased, hence he may offer it up as a paschal sacrifice. If he was not among the number, however, he may sacrifice it as a peace-offering, because at noon of that day the sacrifice was not yet a paschal offering."

MISHNA: If a paschal sacrifice had become mixed with other animals intended as sacrifices, they must all be left to graze until they contract a legal blemish; they are then to be sold, and the owner must bring, with the price obtained for the finest animal among them, another sacrifice of each kind of offering (with which it was mixed), and the eventual loss must be defrayed from the private means of the owner. A paschal offering which had become mixed with first-born (of animals) may, according to R. Simeon, be eaten by an assembly of priests.

GEMARA: According to R. Simeon, who holds that a paschal offering may be eaten by an assembly of priests if it had become mixed with first-born (of animals), the following complication might arise: A paschal offering must be eaten only on one night and the remainder burned in the morning; the sacrifices of the first-born may, however, be eaten on two nights and one day; now, if the priests should mistake first-born sacrifices for paschal offerings, they will eat of them only one night and burn the remainder in the morning, thus wantonly spoiling a consecrated thing to commence with.

R. Simeon holds in accordance with his individual theory (in Tract Zebahim), that this may be done. And according to the sages, what should be done with a paschal offering that became mixed with first-born (of animals)? Said Rabba: They must all be left to graze until they contract a legal blemish, then the owner of the paschal offering must bring a fat cow and should say: "Wherever the paschal sacrifice may be, let it be exchanged for this, and then sacrifice it as a peace-offering." The priests may then eat all the first-born animals which have a blemish as usual.

MISHNA: If a company have lost their paschal sacrifice and say to some person: "Go, seek and slaughter it for us," and he went, found, and slaughtered it, while the company had

also slaughtered one—if the man had slaughtered his sacrifice first, he shall eat of it and the others shall join with him in eating; but if they had slaughtered their sacrifice first, they shall eat of theirs and he of his; if it is uncertain which had been slaughtered first or if both had been slaughtered at the same time, then shall he eat of his paschal offering, of which the others are not permitted to partake, and theirs must be burned: they are not obliged, however, to observe a second Passover.

If he had said to them: "Should I stay away long, go ye and slaughter a paschal sacrifice for me," and he went, found, and slaughtered the lost paschal sacrifice while the others had also slaughtered one—if theirs had been slaughtered first, they shall eat it and he may eat it with them; but if his had been slaughtered first, he shall eat of his and they shall eat of theirs; if it be uncertain which had been slaughtered first or if both had been slaughtered at the same time, then they may eat theirs, and he is not permitted to eat with them; and his sacrifice must be burned, but he is not obliged to observe a second Passover.

If the man said to them: "Slaughter a paschal offering for me," and they had said to him: "Seek and slaughter for us our lost sacrifice," they should all eat of that which had been slaughtered first; if it is uncertain which had been slaughtered first, then both must be burned; but if there was no express agreement between all the parties, they are not to be considered as at all connected with each other (and each should eat the sacrifice separately).

When the paschal sacrifices of two companies had become mixed, each company should take one of the animals and a member of each company should go to the other, and each company should address the member of the other thus: "If this paschal offering be ours, we withdraw from thy company, and be thou numbered with us; but if it belong to thy company, we withdraw from ours and will be numbered with thee." Thus shall five companies of five members each, or ten companies of ten members each, act; namely, one member of each company shall join with him one of another company, and shall thus address him.

When a paschal offering of two individuals has become mixed, each shall take one of the animals to himself and invite a person from the street (a stranger) to eat it with him; then they should go to each other and thus address each other's guest: "If this sacrifice is mine, withdraw from this and be

numbered with me; but if it is thine, then I withdraw from mine and will be numbered with thee."

GEMARA: The rabbis taught: If there was an express mutual agreement between the company and the man, they should all eat of that which was slaughtered first; but if neither said anything to the other, they are not considered as at all connected with each other. Whence the sages adduced that silence is beneficial to the wise, and so much the more to the foolish, as it is written [Proverbs xvii. 28]: "Even a fool, when he keepeth silence, is counted wise."

## CHAPTER X.

### REGULATIONS CONCERNING THE MEAL ON THE EVE OF PASSOVER AND THE FOUR CUPS OF WINE TO BE DRUNK WITH THE MEAL.

MISHNA: On the eve of any Passover it is not lawful for a person to eat anything from the time of Min'hah (afternoon prayer) until after dusk. Even the meanest in Israel shall not eat until they have arranged themselves in proper order at ease round the table; nor shall a person have less than four cups of wine, even if they must be given him from the funds devoted to the charitable support of the very poor.

GEMARA: Does the law (in the first clause of the Mishna) apply only to the eve of Passover? is it not unlawful to eat aught on the eve of the Sabbath or any other festival from the time of Min'hah until after dark, as we have learned in the following Boraitha: A person must not eat aught on the eve of Sabbath or of a festival from the time of Min'hah on, in order that the entry of the Sabbath or the festival may find him in condition to relish a meal? Such is the decree of R. Jehudah; R. Jose, however, said: "One may eat continually until it becomes dark."

Said R. Huna: "Our Mishna is even in accordance with the opinion of R. Jose, who says that one may only eat continually on the eve of Sabbath or of any other festival until dark, but on the eve of Passover, when, as soon as the night of the Passover commences, unleavened bread must be eaten, he also admits that nothing should be eaten from the time of Min'hah until dark."

We have learned in a Boraitha: If a meal was in progress on the eve of Sabbath, and before it was finished the Sabbath was ushered in, the table must be cleared off and then reset, the Sabbath benediction made, and then the meal may be continued, in order to demonstrate that the Sabbath had set in. Such is the decree of R. Jehudah; but R. Jose states that this is not necessary.

"It once happened that R. Simeon ben Gamaliel, R. Jehudah,

and R. Jose were sitting on the eve of Sabbath and partaking of a meal in the city of Achu, and when the Sabbath was about to set in, R. Simeon ben Gamaliel said to R. Jose the Great: "Wouldst thou desire that we clear off the table, and act in conformity with the opinion of our colleague, R. Jehudah?" Replied R. Jose: "Ordinarily thou wouldst favor my decrees in preference to those of R. Jehudah, and now thou favorest, in his presence, his decree in preference to mine. 'Will he even do violence to the queen before me in the house?'" [Esther vii. 8]. Rejoined R. Simeon ben Gamaliel: "True! Let us rather not interrupt the meal, for if the disciples should observe this, they might establish the ordinance for future generations." It was said that they did not leave their places until it was decided that the Halakha should prevail according to R. Jose's opinion.

R. Jehudah said in the name of Samuel: "The Halakha does not prevail either according to R. Jehudah or R. Jose; for if a meal was in progress on the eve of Sabbath, when Sabbath set in they should change the table-cloth as a sign and then recite the Kiddush (Sabbath benediction)." But this is not so! For did not R. Ta'hlipa bar Ab. Dimi say in the name of Samuel, that in the same manner as a meal must be interrupted on account of the Kiddush, so must it also be interrupted on account of the Habdalah (the benediction recited at the close of the Sabbath). Must we not assume that by interruption is meant clearing away of the table entirely? Nay; by interruption is meant, that the table-cloth should be changed.

It once happened that Rabba bar R. Huna came to the house of the Exilarch, and a small table was set before him; so he covered the table with a cloth and recited the Kiddush. We also learned in a Boraitha: "A table must not be brought for each guest separately unless the Kiddush had already been recited (by the head of the household); but if a table had been set before him before the Kiddush had been recited, then the guest should cover the table set before him with a cloth and himself pronounce that benediction."

"Those that heard the Kiddush pronounced in the synagogue," said Rabh, "need not recite it at their homes, but should merely pronounce the customary benediction over wine"; but Samuel said: "They have not acquitted themselves of the duty of reciting the Kiddush."

According to Rabh, then, why should a man recite the Kid-

dush at home? In order to give the household an opportunity to hear it, and according to Samuel, for what purpose should the Kiddush be recited in the synagogue? In order to afford the guests who eat, drink, and sleep in the synagogues an opportunity to hear it. Samuel thus holds to his theory, that the duty of hearing the Kiddush recited can be acquitted only in the place where the person takes his meals. We might suppose, therefore, that Samuel's opinion refers only to different houses; *i.e.*, if a person hears the Kiddush recited in one house he should not eat in another, but that it makes no difference as to rooms in one house, whereupon R. Anan bar Ta'hlipha said to the schoolmen: "I was several times in the presence of Samuel when he was in the attic of his house, and I observed that he did not recite the Kiddush until he went below."

R. Huna also opines, that the Kiddush must be recited only in the place where the meal is taken; for it once happened that after R. Huna had recited the Kiddush, the light went out in the room, and he ordered that the vessels containing the food should be taken into the wedding-room of his son Rabba, where the lights were still burning, and after again reciting the Kiddush he sat down to his meal.

Rabba also holds that the Kiddush must be recited only in the place where the meal is taken; for Abayi said: "When I was at Master's house, while he recited the Kiddush (prayer) he would say to the guests: 'Partake of something before ye go to your houses, for should ye come home and find the lights gone out ye will not be able to recite the Kiddush in your homes, and thus ye will not acquit yourselves of the duty unless ye eat something where the Kiddush was recited.'"

R. Johanan, however, said: "One who heard the Kiddush in the synagogue has not only discharged the duty of the Kiddush but need not even pronounce a benediction over the wine which he might drink at home."

R. Johanan holds to his own theory; for R. Hanan bar Abayi said in the name of R. Padath, quoting R. Johanan: "Whether the wine was changed or whether the places were changed, it is not necessary that another benediction be made."

An objection was made: "We have learned in a Boraitha, that if the places were changed another benediction is necessary; but if the wine was changed it is not!" The objection is not answered.



R. Idi bar Abin sat in the presence of R. Hisda, and the latter said in the name of R. Huna: "The teaching, that when places are changed another benediction must be made, refers to a case of where one went from one house to another; but if he only went from one room to another in the same house, another benediction is not necessary." Said R. Idi to him: "We have learned in a Boraitha, from the disciples of R. Hinaq, a teaching identical with thine." [Would then R. Huna say in his own name that which is taught in a Boraitha? R. Huna had not heard of that Boraitha.]

R. Hisda sat, and said upon his own authority: "The teaching, that if places were changed another benediction must be made, refers to such objects as require a benediction only before consumption; but if the objects were such as require also a benediction after consumption, even if one went from one house to another, he need not make another benediction, because it is considered as a continuous meal." R. Shesheth, however, said: "In either case another benediction is necessary."

We have learned in a Boraitha in support of R. Hisda: "If a company was sitting and drinking wine, then left their places and returned, they need not make another benediction."

The rabbis taught: "If a company were sitting at a meal, and during the course of the meal Sabbath had set in, a cup of wine is brought to one of the company, who recites the Kiddush, and another one pronounces the final benediction at the close of the meal over that cup, thus interrupting the meal. Such is the decree of R. Jehudah. R. Jose, however, said: They may continue to eat until they finish, or until it becomes dark, and then the first cup of wine brought is used for the benediction at the conclusion of the meal. The next cup is then used for the recital of the Kiddush."

Why are two cups of wine required? Cannot the two benedictions be pronounced over the one cup? Said R. Huna in the name of R. Shesheth: "Two benedictions must not be made over one cup." Why so? Said R. Na'hman bar Itz'hak: "Religious duties are not to be bunched." Must this indeed not be done? Have we not learned in a Boraitha, that when one enters his house at the close of Sabbath, he pronounces a benediction over wine, light, spices, and then the benediction of the Habbalah over one cup, and if he has not another cup of wine in his house he may leave that cup until after he has had his evening meal, and then recite the benediction after the meal

over the same cup of wine? Where a man has not another cup of wine, it is different.

If a festival follow a Sabbath, a man has doubtless more wine in his house, and still Rabh says, that one must, over one cup of wine, pronounce the benediction over wine, recite the Kiddush, pronounce the benediction over light, and the Habdalah? Because Rabh mentions all these benedictions but omits that of the season (which must be said at the commencement of each festival), it must be presumed that he refers to the seventh day of Passover as the festival (because on that day the benediction of the season is not said), and at that time it is possible that a man has only one cup of wine left.

How is this possible? On the first day of a festival, when a man surely has more wine, still Abayi said, that over one cup the benediction of wine, Kiddush, of the season, of light, and the Habdalah should be pronounced, and Rabba said, of wine, Kiddush, light, Habdalah, and finally of the season (and both agree that all this may be done over one cup of wine); hence we must say, that all these benedictions, like Kiddush, Habdalah, etc., are classed as one, because the duty of such benedictions devolves upon a man as soon as the Sabbath draws to a close, and hence may be made over one cup; but the benediction before the meal, and that after, are two separate kinds of benedictions and should not be said over one and the same cup of wine.

The statement previously quoted: "If a festival follow a Sabbath, Rabh says, one must pronounce the benediction of wine, recite the Kiddush, say the benediction of light and the Habdalah," is supplemented by "Samuel says, he must pronounce the benediction of wine, light, Habdalah, and then recite the Kiddush; Rabba says, of wine, Habdalah, light, and then Kiddush; Levi says, Kiddush, light, wine, and Habdalah; other sages say, Kiddush, wine, light, and Habdalah; Mar the son of Rabhina says, light, Kiddush, wine, and Habdalah; and Martha says in the name of R. Jehoshua, light, wine, Habdalah, and Kiddush."

The father of Samuel sent to Rabbi the request: "Let Master teach us the order in which the benediction of Habdalah should be made over the cup of wine," and Rabbi sent the reply: "So said R. Ishmael the son of R. Jose in the name of his father, who in turn said in the name of R. Jehoshua ben Hananiah: 'Light, Habdalah, wine, and Kiddush.'" Said R.

Hanina: This can be compared to the exit of a king from, and to the entrance of a high official into, a city. First the king is escorted out of the city, and then the high official is ushered in. (Likewise the Sabbath, being the holier, is first escorted out with Habdalah, and then the festival is ushered in with the Kiddush.) How does, finally, the Halakha prevail? Abayi said: "Wine, Kiddush, season, light, and Habdalah," and Rabba said: "Wine, Kiddush, light, Habdalah, and season." The Halakha prevails according to Rabba. R. Jacob bar Abba once happened to be in the house of Rabha, and he noticed that Rabha said the benediction, "Who hath created the fruit of the vine," over the first cup, and after the meal was over, before the benediction at the conclusion of the meal was pronounced, he again made the same benediction over the wine and then drank it. So R. Jacob asked: "Why dost thou say so many benedictions? Thou hast already made one over the wine, why dost thou make another?" Rabha replied: "When I was at the house of the Exilarch we would do likewise," and R. Jacob replied: "At the house of the Exilarch this was proper, because it was not known whether more wine would be given, hence a benediction was said at the commencement, and then if more wine was given another was said; but here, when we have the wine before our eyes, surely this is not necessary!" Said Rabha: "I act as the disciples of Rabh; for R. Brona and R. Hananel the disciples of Rabh were sitting at a meal, and were waited on by Yeba the Elder. In the meantime they said: 'Give us a cup of wine and we will say the benediction (at the conclusion of a meal).' Subsequently they reconsidered it, and asked for more wine to drink. Said R. Yeba to them: Thus said Rabh, 'As soon as ye have said, give us a cup and we will make the benediction, ye have given up the intention of eating any more, hence ye must not drink until ye have pronounced the benediction at the conclusion of the meal' (whence we see that the concluding benediction disconnects all previous benedictions, and if anything else is eaten afterwards another benediction thereon must be made)."

[Ameimar, Mar Zutra, and R. Ashi sat at one meal, and R. Aha the son of Rabha waited on them. Ameimar made a benediction over each separate cup of wine. Mar Zutra made a benediction over the first, and then over the last cup. R. Ashi only made one over the first cup, and no more.] (Referring to R. Jacob's visit to Rabha again:) When the time for the Hab-

dalah prayer arrived, the servant of Rabha lit several candles and joined them into one flame. Said R. Jacob to him: "Why dost thou need so many candles?" and Rabha replied: "The servant did this of his own accord," and R. Jacob rejoined: "If the servant did not know that such is thy wont, he would not have done this; therefore thou probably doest this always, and I ask thee again, Why so many candles?" He then answered: "Doth not my master hold, that the flame used at the Habdalah prayer is a religious duty of the highest degree?"

When Rabha commenced to recite the Habdalah prayer he said thus: "Who hath made a distinction between sanctified and ordinary days, between light and darkness, between Israel and other nations, and between the seventh day and the six working days." Said R. Jacob to him: "Why dost thou recite such a voluminous prayer? Did not R. Jehudah say in the name of Rabh, that R. Jehudah Hanassi's mode of reciting the Habdalah was merely, 'Who hath made a distinction between sanctified and ordinary days'?" and Rabha replied: "I hold with the following Tana, R. Eliezer in the name of R. Oshiya said: 'One who desires to embody few distinctions in the Habdalah prayer should not recite less than three, and he who would multiply them should not recite more than seven.'" Then R. Jacob remarked: "Yea, but thou, Master, hast not recited either three or seven, for there were four." Answered Rabha: "The last one was merely an adjunct to the conclusion of the prayer, for R. Jehudah said in the name of Samuel that one who recites the Habdalah prayer must make the words immediately preceding the conclusion of the prayer similar to the conclusion itself." The sages of Pumbaditha, however, said: "The conclusion of that prayer must be identical with the commencement." Wherein do they differ? Both the commencement and the conclusion read, "Who hath made the distinction between sanctified and ordinary days." They differ in a case of a Sabbath followed by a festival, when the initial and concluding benedictions read: "Who hath made a distinction between sanctification and sanctification." According to those who say that the words immediately preceding the conclusion must be similar to the conclusion itself, the additional sentence, "Who distinguisheth between the sanctification of the Sabbath and that of the festival," must be included; while according to those who say that only the conclusion and the commencement must be identical, the additional sentence is not necessary.

An objection was made: We have learned in a Boraitha: That one who is accustomed to incorporate many benedictions in the Habdalah prayer may embody as many as he chooses, while one who is not, may only recite one? This constitutes a diversity of opinion among Tanaim, as R. Johanan said: "The son of the Holy says, that only one benediction should be recited in the Habdalah, but the people generally pronounce three. [Who is called the son of the Holy? R. Mena'hem bar Sinai, and the reason he was called "son of the Holy" was because he never saw the likeness of a zuz.]

Said R. Jehoshua ben Levi: "One who recites the Habdalah prayer must recite it similarly to the Habdalah in the Scriptures."

An objection was made: How is the order of the Habdalah to be observed? As follows: "Who hath made a distinction between sanctified and ordinary, between light and darkness, between Israel and other nations, between the seventh day and working days, between unclean and clean, between the sea and dry land, between the waters above and beneath, between priests, Levites, and Israelites," and must conclude with, "Blessed be He who hath arranged in order the creation," and others say, "who hath created all things."

R. Jose bar R. Jehudah said: "He must conclude with 'who hath sanctified Israel.'" How then can it be said that the scriptural order should be observed? It does not mention sea and dry land? This should be eliminated. If that should be so, and taking into consideration that the distinction between the seventh day and working days is merely an adjunct to the conclusion, then seven benedictions will not remain? I will tell thee: Between the priests, Levites, and Israelites are virtually two separate distinctions, because it is written [Deut. x. 8]: "At that time did the Lord separate the tribe of Levi," and between the priests and Levites, as it is written [I Chronicles xxiii. 13]: "The sons of Amram: Aaron and Moses; and Aaron was set apart, to sanctify him as most holy."

What is the conclusion of the benediction? Said Rabh: "It concludes with 'who hath sanctified Israel,'" and Samuel said: "It concludes with 'who maketh a distinction between sanctified and ordinary.'" Abayi, according to another version R. Joseph, denounced Rabh's decree.

We have learned in a Boraitha upon the authority of R. Jehoshua ben Hananiah, that one who concludes the benedic-

tion with both passages, viz., "who hath sanctified Israel" and "who maketh a distinction between sanctified and ordinary," his years and days are prolonged for him; but the Halakha does not prevail accordingly.

Ula once came to Pumbaditha. So R. Jehudah said to his son, R. Itz'hak: "Go and carry a basket of fruit to Ula, and incidentally observe how he recites the Habdalah." R. Itz'hak would not go himself, but sent Abayi in his stead. When Abayi returned, he related that Ula merely said, "who distinguisheth between sanctified and ordinary (days)," and nothing more. R. Itz'hak then went to his father and told him that he did not go himself, but had sent Abayi, who related that Ula merely said, "who distinguisheth between sanctified and ordinary days," and R. Jehudah replied: "Thy arrogance and disobedience will be the cause of thy not being able to cite a Halakha in Ula's name, but thou wilt have to cite it in Abayi's name."

R. Hananiah bar Shlamia and the disciples of Rabh sat together at a meal, and R. Hamnuna the Elder waited on them, and they said to him: "Go and see if the Sabbath has already set in. If it has, we will stop and make the meal for Sabbath." He replied: "Ye need not do this; for Rabh said, that the Sabbath asserts itself without other aid, and it is not necessary to make a special distinction for it. 'For,' said Rabh, 'as on the Sabbath the law of giving tithes must be particularly observed, even when a light meal is taken, because the Sabbath renders it an honorable duty, so in the case of the Kiddush (prayer)—even if a meal is in the course of being served, one may arise and recite that prayer without first clearing off the table.'"

The disciples of Rabh desired to infer therefrom, that as the Sabbath makes it a duty to recite the *Kiddush* even when in the midst of a meal, the Habdalah should also be said, even though a meal have to be interrupted on that account. Said R. Amram to them: "Thus said Rabh: 'For Kiddush this is imperative but not for Habdalah, and as for interrupting a meal, it need not be done for the sake of Habdalah; at the same time, it is not lawful to commence eating at the time appointed for the Habdalah, without first reciting that prayer. No interruption need be made when solid food is taken; but when drinking, the Habdalah should be said over the same cup, *i.e.*, an interruption should be made and the Habdalah recited. Again, the interruption must be made only when wine or beer is drunk, but when water is the beverage that is not necessary.'"

Rabhina asked R. Na'hman bar Itz'hak: "If a man did not recite the Kiddush on the eve of Sabbath, is it lawful for him to do so during the Sabbath day?" and he answered: "The children of Hyya having stated, that one who had not recited the Habdalah at the close of Sabbath may do so at any time during the week following, we must assume, that one who had not recited the Kiddush on the eve of Sabbath may do so during all the Sabbath day."

Rabhina objected: "The eve of a Sabbath or of a festival brings with it the duty of saying the Kiddush over a cup (of wine) and also the duty of including the remembrance in the benediction at the conclusion of meals, but the Sabbath or the festival days only carry with them the duty of including remembrance in the benedictions after meals? Now, if it were allowed to recite the Kiddush on the Sabbath or festival day, because they have the duty of the benediction in common with the eve of the Sabbath or the festival, could not a man wilfully postpone the recital of the Kiddush until the morrow?" Replied R. Na'hman bar Itz'hak: "The case of a man who does not act in accordance with the proper law is not considered."

Rabhina again objected: "The honor of the Sabbath day is more important than that of the eve preceding it, so that if a man have but one cup of wine for both the Kiddush on the eve of Sabbath and for the purpose of honoring therewith the Sabbath day, he should rather use it for the Kiddush; whence we can see, that it should *not* be postponed until the next day; for were this allowed, the owner could leave the cup until the following day and then use it for both purposes." Answered R. Na'hman: "The fulfilment of a religious duty at its proper time is the more preferable." Rabhina, however, rejoined: "Is this indeed the case? Have we not learned in a Boraitha, that if a man enter his house at the close of the Sabbath, he pronounces a benediction over wine, light, and spices in the order named, and then recites the Habdalah over the cup? Now if a man have only one cup of wine, he may leave it until after the meal and then pronounce all the benedictions over it at once. Is this not proof positive that the fulfilment of a religious duty at its proper time is not preferable?" Then R. Na'hman replied: "I am not one of those sages who would proclaim a decree upon my own authority; neither am I a prophet nor do I quote an authority without corroboration. The traditional ordinance I quoted I did not learn from my teachers as referring to

Kiddush alone, but I merely took it upon myself to arrange the order of the benedictions in the Kiddush and Habbalah, and I did so because I was convinced that my order was correct ;\* for thus it is also taught in the colleges, and the reason of all this is, that there is a great difference between the entrance of a sanctified day and its close. At the entrance of such a day, the sooner we observe its sanctification the better, for we thereby demonstrate that we consider the duty a pleasure; but at its close, the further we can postpone its termination the better, for thereby we demonstrate that it is not a burden to us. (Hence if a meal is in progress at the time when the Sabbath is about to set in, we should attempt the repast and say the Kiddush in order to usher in the Sabbath that much sooner; but if we only have one cup of wine at the close of Sabbath with which to say the Habbalah, we should first finish our repast and pronounce the other benedictions, and then recite the Habbalah over that cup in order to postpone the termination of the holy day that much longer.)”

From the preceding Boraitha we may infer eight things: First: One who included the Habbalah in his evening prayer must nevertheless recite it again over a cup (this is inferred from the sentence “if a man enter his house at the close of the Sabbath,” which signifies, that he came from the house of worship, where he had already recited the Habbalah). Second: The benediction after a meal must be made over a cup (of wine). Third: The cup used at the benediction must be of a prescribed capacity (*i.e.*, a quarter of a lug; for were this not so, it could be divided and part used for the Habbalah and another part for the other benediction). Fourth: One who pronounces the benediction over the cup of wine must taste some (for otherwise the benediction could be made and the wine left over for the next benediction). Fifth: As soon as part of the wine is tasted after a benediction, the cup of wine is rendered unfit for any other benedictions. Sixth: Even if a full meal is eaten at the close of Sabbath and the sanctification of the day had passed, it is still a duty to recite the Habbalah. Seventh: Two degrees of sanctification may be bestowed upon one cup of wine. Lastly: The entire Boraitha is in accordance with the school of Shammai and with the interpretation of R. Jehudah (*i.e.*, that

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\* This explanation is taken from the commentary of Rashbam the grandson of Rashi.



the benedictions over light must be pronounced prior to that over spices, and not *vice versa*).

R. Ashi said: "The inference that the cup of wine must be of a prescribed quantity, and the one that by tasting the wine the cup becomes unfit for other benedictions, are virtually one and the same thing, and the eight inferences are completed thus: Why does tasting of the cup of wine render it unfit? Because the prescribed quantity is thereby lessened."

R. Jacob bar Idi was so particular, that if the jug containing the wine was ever so slightly damaged he would not use the wine for Kiddush or Habdalah, and R. Idi bar Shesha was only particular about the condition of the goblet; Mar the son of R. Ashi was particular even about the condition of the barrel containing the wine, and if it was at all damaged he would not use the wine for the Kiddush or the Habdalah.

The rabbis taught: "It is written [Exod. xx. 8]: 'Remember the Sabbath day to keep it holy.' The remembrance should be effected over wine. This, however, refers to the Sabbath day; whence do we know that the night is also meant? To that end it is written, 'to keep it holy,' which refers also to the night."

"Whence do we know that the night is also meant," is the question? Is not the night the principal time of the Sabbath, when the Kiddush must be said? Then, again, how can the passage refer to the night, when it distinctly states the day? The following is meant: "Remember the day" implies that it should be remembered over wine, when the Sabbath sets in. This therefore refers to the night, and that the day also is meant is clearly proven by the words, "the Sabbath day."

What benediction is made during the day of Sabbath? Said R. Jehudah: "Only the usual benediction over the wine, viz., 'who hath created the fruit of the vine.'"

R. Ashi came to the city of Mehuzza, and the people said to him: "Let Master recite for us the great Kiddush," and not knowing what they meant by the great Kiddush, he thought: "Let us see! The first benediction to be made is the usual one over wine." Accordingly, he pronounced the benediction, "who hath created the fruit of the vine," in a rather prolonged manner. He thereupon observed an old man bending over and sipping the wine (whence he concluded that the one benediction constituted the great Kiddush). He then applied to himself the passage [Ecclesiastes ii. 14]: "The wise man hath his eyes in his head."

We have previously learned that the children of R. Hyya said: "If a man did not say the Habdalah at the close of the Sabbath, he may say it at any time during the following week." Until what day of the week? Said R. Zera: "Until the fourth day of the week (for after that the days belong to the next week)."

R. Brona said in the name of Rabh: "If a man had washed his hands for a meal, he should not make the Kiddush, because that will cause an interruption (and he will be obliged to wash his hands again)." Said R. Itz'hak bar Samuel bar Martha: "Rabh is not yet dead, and still we have already forgotten all his Halakhoth. I myself stood before Rabh several times and noticed that whenever he preferred bread he would make the Kiddush over bread, and whenever he preferred wine he would make the Kiddush over wine."

Said R. Huna in the name of Rabh: "If a man had eaten anything prior to making the Kiddush, he need not make the Kiddush." R. Hana the son of Hinana asked R. Huna: "If a man had eaten prior to reciting the Habdalah, what is the law?" and he answered: "I say, that he must nevertheless recite the Habdalah, but R. Assi said, that he need not do so."

R. Jeremiah bar Abba was at one time in the house of R. Assi, and through forgetfulness ate something before saying the Habdalah. Afterwards he was given a cup of wine and he then said the Habdalah. Said R. Assi's wife to her husband: "Master does not do this?" and he replied: "Let him be; he acts according to the teaching of his masters."

R. Joseph in the name of Samuel said: "If a man had thoughtlessly eaten either before Kiddush or before Habdalah, he need not recite those prayers," but Rabba in the name of R. Na'hman quoted Samuel to the contrary, namely, that he may do so. Said Rabba: The Halakha prevails that one who had eaten before Kiddush or Habdalah may nevertheless recite those prayers; if one had not made the Kiddush on the eve of Sabbath, he may do so during the Sabbath day; and if he did not say the Habdalah at the close of Sabbath, he may say it on the following day.

Mar the Younger and Mar the Elder, sons of R. Hisda, related to R. Ashi the following: It once happened, that Ameimar was a guest in our house, and not having any wine, beer was brought for the Habdalah; but he would not use it for that purpose, and went to sleep without supper. On the morrow,

after a good deal of trouble we succeeded in procuring some wine; and he said the Habdalah and ate. A year afterwards he was again our guest, and once more we did not have any wine, so we brought beer for the Habdalah. He then remarked: "If wine is so scarce with you and your usual beverage is beer, then the beer may be considered as wine of your land." Accordingly he said the Habdalah over it and ate his meal.

From this narrative we can infer three things: First, that a man who heard the Habdalah in the house of worship, must nevertheless recite it in his house; second, that nothing should be eaten prior to the Habdalah; and third, that if a man did not say the Habdalah at the close of Sabbath, he may say it during the following week.

R. Huna asked of R. Hisda: "May the Kiddush be made over beer?" and he answered: "If as to unfermented barley-beer, fig-beer, and senna-beer, concerning which Rabh was asked, who in turn asked of R. Hyya, who then asked Rabbi, it could not be decided whether they may be used or not, how then can I decide about ordinary beer?"

It was thought, however, that while Kiddush could not be made, it was surely allowed to make Habdalah with beer. Said R. Hisda to them: "So said Rabh: 'As the Kiddush cannot be made over beer, so also must Habdalah not be made over it.'" It was also taught, that R. Ta'hlipa bar R. Abimi said the same thing in the name of Samuel.

Levi sent Rabbi beer made of a thirteen-fold extract of dates, and it was very sweet in taste; and Rabbi said: "With this kind of beer the Kiddush may be made, and all hymns and songs in praise of the Lord may be sung over it." At night he felt some bad effects on account of that beer; so he said: "Should a thing which produces a bad effect be used for the Kiddush?"

R. Joseph said: "I will register a vow before a multitude of people that I will never again drink beer," and Rabha said: "I would rather drink water in which flax was soaked than beer," and continued he: "He who makes the Kiddush over beer, should never have anything else to drink (*i.e.*, in a place where wine is to be had)."

R. Huna once found Rabh making Kiddush over beer. So he said: "It seems to me, that Abba will soon commence to deal in beer, if it is so dear to him."

The rabbis taught: "Neither Kiddush nor any other benedic-

tion should be made with anything except wine." Is there then no benediction made over beer and water, namely: "Through whose word everything came into being"? Said Abayi: "The teaching of the rabbis relative to any other benediction means, that the cup given for the benediction after meals should only be of wine."

The rabbis taught: "Kiddush is not made with beer." It was said upon the authority of R. Eliezer bar R. Simeon, that Kiddush *may* be made with beer.

The statement previously made, that the wine must be tasted when Kiddush is made, means that even ever so little may be tasted, and R. Jose bar R. Jehudah says, that a mouthful must be tasted.

R. Huna said in the name of Rabb, and likewise R. Giddel of Narash taught: "If a man made Kiddush and tasted a mouthful of the beverage, he has fulfilled his duty; but if he had not tasted that much, he has not acquitted himself of the duty."

"*From the time of Min'hah,*" etc. The schoolmen asked: Does this refer to the long Min'hah (the time for which commences in the half of the eighth hour, *i.e.*, at half-past one in the afternoon) or to the short Min'hah (the time for which commences on the half of the tenth hour, *i.e.*, at half-past three in the afternoon in our time)? Is it not lawful to eat from the time of the *long* Min'hah, because thereby the time in which the paschal offering must be brought will be taken up, or is it not lawful to eat from the time of the *short* Min'hah, because in that event a man would become satiated, and not be able to do justice to the Passover-meal of unleavened bread?

Said Rabhina: Come and hear: We have learned: Even King Agrippa, whose wont it was to eat at the ninth hour of the day (3 P.M.), should on the eve of Passover not eat until it becomes dark. Now if the short Min'hah is the time meant, after which it is not lawful to eat, then the case of King Agrippa is worthy of note; but if the long Min'hah is meant, what proof does this case exhibit then that it was only because the meal would interfere with the paschal offering, and why is Agrippa's case specially mentioned? Hence we may infer therefrom that the short Min'hah is meant. Still, wherein is the case of Agrippa so noteworthy? If he commence his meal as usual in the ninth hour, the time when it is already unlawful to eat will arrive while he is still at his meal? We might assume, that the ninth

hour of Agrippa is the equivalent of our fourth hour. Hence we are told that such is not the case.

R. Jose said: "While eating is not permitted after the time stated in the Mishna, it is allowed to partake of a light repast of fruit, delicacies, etc." R. Itz'hak would partake of herbs. Rabha would drink wine during all the eve of Passover, in order to arouse his appetite for unleavened bread at night. R. Shesheth would fast all through the eve of Passover, because, being in delicate health, had he eaten anything during the day he would not have been able to eat at night.

"*Even the meanest in Israel,*" etc. It was taught: When eating unleavened bread on the Passover-night it is required that one should recline in an easy position, but this is not required when the bitter herbs are eaten. When wine is drunk it was taught in the name of R. Na'hman that a reclining position should be taken, and also that it need not be taken. Still, this apparent contradiction presents no difficulty. The statement quoted of R. Na'hman that a reclining position is necessary when drinking wine refers to the first two cups, and the statement that it is not necessary refers to the last two cups. Some explain the apparent contradiction in the manner quoted because the first two cups symbolize the commencement of liberty for the previously enslaved Jews, while the last two cups have no such significance. Others, however, say on the contrary! The first two cups are a remembrance of the days of bondage, and should therefore not be drunk in a reclining position, while the last two cups are a remembrance of the dawn of freedom, and hence should be drunk in an easy reclining position.

Leaning backwards is not considered reclining, nor is leaning over on the right side considered reclining in an easy position, and another reason why this should not be done is for fear lest the food enter the trachea instead of the gullet, and thus cause danger.

The woman who sits with her husband need not recline when eating, but if she is a woman of prominence she should do so. A son sitting with his father must recline, and the schoolmen raised the question whether a disciple sitting with his master should also recline or not? Come and hear: Abayi said: When we were at the house of our master (Rabba) we disciples would recline each on the other's knee; but when we afterwards came to R. Joseph, he told us that we need not do this, for it is said in Aboth: "The fear of thy master should be as the fear of the

Lord." The schoolmen then inquired whether the servant in the house of his master must recline or not. Come and hear: R. Jehoshua ben Levi said: "If the servant ate unleavened bread to the size of an olive in a reclining position, he has fulfilled his duty." Whence we may infer that the servant must also recline (for he says "in a reclining position," but if not in a reclining position the servant would not have discharged the duty).

R. Jehoshua ben Levi said again: "Women must also drink the four cups, because they were also included in the miracles which delivered us all from Egypt."

R. Jehudah said in the name of Samuel: "Each cup must contain wine which, when mixed with three parts of water, will be good wine. If unmixed wine was drunk, the duty has nevertheless been fulfilled. If all the four cups were poured into one and drunk, the duty has also been fulfilled. If the household was allowed to drink part of the four cups, the duty has also been fulfilled." Rabha, however, said: "If the wine was drunk unmixed the duty of drinking the wine has been acquitted, but the symbolical feature thereof has not been carried out," and in the case of where the four cups were poured into one, Rabha said: "The duty of drinking wine has been accomplished, but the duty of the four cups has not." If the household was allowed to drink part of the four cups, R. Na'hman said: "The master of the house has fulfilled the duty of drinking the four cups, provided he drunk the larger part thereof."

We have learned in a Boraitha, R. Jehudah said: "The cup must contain the taste and the color of red wine." Said Rabha: "What is the reason of R. Jehudah's statement? Because it is written [Proverbs xxiii. 31]: 'Do not look on the wine when it is red' (whence we adduce, that wine must be red)."

The rabbis taught: "The duty of drinking the four cups devolves upon all alike—men, women, and even children." R. Jehudah, however, said: "What benefit would children derive from wine? They should rather be given nuts, parched corn, etc., on the eve of Passover, so as to keep them awake at night, and that may make them inquire into the reason of the festivity."

It was said of R. Aqiba, that he would deal out nuts and parched corn on the eve of Passover to the children, in order to keep them awake and have them ask for reasons.

We have learned in a Boraitha, R. Eliezer said: On the night of the Passover the unleavened bread is snatched out of the

children's hand in order to keep them awake and have them ask for the reason.\*

A Boraitha states that it was told of R. Aqiba, that he never proposed adjourning the session at the college excepting on the eve of Passover for the children's sake, that they should not fall asleep, and on the eve of the Day of Atonement, in order to see that the children be given their meals at the proper time.

The rabbis taught: It is the duty of every man to cause his household and his children to rejoice on a festival, as it is written [Deut. xvi. 14]: "And thou shalt rejoice on thy feast." Where-with should a man cause his household to rejoice? With wine. R. Jehudah, however, said: "The men with the thing they like best and the women with what is most pleasing to them." The thing men like best is, of course, wine; but what is most pleasing to women? R. Joseph taught: "In Babylonia multicolored dresses and in Judæa pressed linen garments."

We have learned in a Boraitha, R. Jehudah ben Bathyra said: "When the Temple was still in existence, there was no better mode of rejoicing, than with (the eating of) flesh, as it is written [Deut. xxvii. 7]: 'And thou shalt slay peace-offerings, and eat them there; and thou shalt rejoice before the Lord thy God'; but now, when there is no Temple, wine is the principal means of rejoicing, as it is written [Psalms civ. 15]: 'And wine that maketh joyful the heart of man.'"

"*Nor shall a person have less than four cups of wine.*" How can the rabbis order a thing which might involve danger?† Have we not learned in a Boraitha, that a man should not eat two dishes, nor drink two cups, nor do anything by twos? Said R. Na'hman: "It is written [Exod. xii. 42]: 'A night to be observed was this unto the Lord,' which signifies that on that night one is exempt from danger." Rabha said: "The cup of benediction (after meals) is only counted in for good purposes but never for evil, because its very name implies that it is for good, and thus only three cups are virtually drunk." Rabhina, however, said: "At all events, the four cups cannot be conjoined, for each one represents a different duty."‡

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\* This is according to the explanation of Rashbam in the third instance.

† There was a tradition extant at that time that anything done an even number of times involved danger to the perpetrator, but if done an odd number of times the danger was averted. (According to page 229.)

‡ In the original edition of the Talmud an entire page follows here relative to the tradition quoted in the preceding note, which we have omitted on account of its irrelevancy to the text proper.

In Palestine no attention was paid to even or odd numbers, but R. Dimi of Neherdai was even particular about the signs on his barrels; and it once happened that he paid no attention to the signs, so one of the barrels burst. Whence the rule may be adduced, that one who is particular about things lays himself liable to accidents, but one who is not is not affected by superstition; still, it might happen that an accident should occur to him.

When R. Dimi came from Palestine, he said: Two eggs, two nuts, two cucumbers, and two of some other thing which I cannot remember, prove injurious to a man, is a Sinaic law; and because the rabbis could not find out what that other thing was, they included two of everything among the injurious as a precautionary measure. The statement elsewhere, that ten, eight, six, and four are excluded from the even numbers which are injurious only refers to acts caused by evil spirits; but where witchcraft is concerned, even those and more numbers may prove injurious, as it happened that a man once divorced his wife and she then became the wife of a wine-dealer. The first husband would generally go to that wine-dealer for his wine, and they tried to bewitch him, but without success; for he was always careful to avoid the even numbers. One day he imbibed too freely, and after drinking his sixteenth cup he became confused, and did not know how many he had drunk. So they saw to it that he drank an even number, and then succeeded in bewitching him. When he went out into the street he was met by a certain merchant, who said: "I see a murdered man walking before me." Not being able to proceed farther, the drunken man embraced a tree for support, when the tree emitted a groan and dried up, and the man was killed.

R. Avira said: Bowls and loaves of bread are not affected by even numbers. The rule is, that all things produced artificially are not subject to the evil arising from even numbers; but natural productions, such as fruit and edible things, are. Shops are not affected by even numbers (if one eat in two shops). If one ate one of a certain thing and then considered it, and ate another, the rule of even numbers does not apply. Guests are not affected by even numbers; *i.e.*, if one cup of wine was given a guest and then another, as he had not known in advance how many he would be given, he is not affected.

A woman is not affected by even numbers, but a prominent woman should nevertheless be careful.



Said R. Hinana the son of R. Jehoshua: "Asparagus is always counted in with things tending to good but not to evil." R. Joseph said: Two cups of wine and one cup of beer are not counted together; but two cups of beer and one of wine are counted together. Proof of this can be adduced from a Mishna in Tract Kelim, to the effect that where uncleanness is concerned, the less valuable things are defiled by more valuable, but valuable things are not defiled by things of lesser value.

R. Na'hman said in the name of Rabh: "If two cups are drunk before going to the table, and one while at table, they are counted together, but one drunk before going to the table and two drunk at the table are not counted together." R. Mesharshia opposed this statement. Do we then concern ourselves with the table? It is the man who is affected, and if he drank three cups, it is well. Therefore only if a man drank two cups at the table, pronounced the benediction after the meal, and subsequently drank another, the three cups are not counted together.\*

"*Even if they must be given him from the funds devoted to charitable support.*" Is this not self-evident? (Is not the poor man equal to all others?) This statement in the Mishna is made for the purpose of counteracting the decree of R. Aqiba, to the effect that a man should even make his Sabbath-day as any other, in order not to depend upon charity. When the observance of the Passover, however, is concerned, and the miracles performed for our ancestors are to be proclaimed, even R. Aqiba admits that a man may avail himself of charity so that he may be enabled fitly to celebrate the event.

The disciples of Elijah taught: Although R. Aqiba taught that a man should even make his Sabbath-day as any other, in order not to depend upon charity, still some slight distinction should be made in honor of the Sabbath [What is meant by some slight distinction? Said R. Papa: "Small fishes should be eaten"], as it is taught in a Mishna (Aboth): R. Jehudah

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\* All that is stated here about odd and even numbers, as well as the subject of evil spirits (which covers here two and one-half pages of the original), is omitted in Maimonides; and the author of the "History of Oral Law" maintains that, according to the opinion of Maimonides, it was not contained in the Talmud originally. (See page 223, vol. iv., Vienna, 1883.) We, however, although we agree with the above-mentioned author, do not care to omit these themes entirely, and have put in a little of both, as the tradition of the odd and even numbers at least existed at that time. (See, also, our Hebrew Commentary to Tract Shekalim, vol. iv., page 14, of the Hebrew.)

ben Thaima said: Thou shalt be bold as a leopard, light as an eagle, swift as a deer, and strong as a lion to do the will of thy Heavenly Father (which signifies, that a man should go even beyond his means in order to honor the Sabbath).

The rabbis taught: Seven things R. Aqiba commanded his son R. Jehoshua, viz.: "My child, sit not in the midst of a city, when thou desirest to study; do not live in a city the officials of which are scholars, for they do not attend to the wants of the city; do not enter thy house without warning, and so much the less into thy neighbor's house; never go bare-footed; always arise early, and immediately eat in summer on account of the heat and in winter on account of the cold; and rather make thy Sabbath-day as any other in order not to depend upon charity; and, finally, have transactions only with such men as have no ill-fortune." Said R. Papa: "This last injunction does not refer to buying of or selling to a man in good fortune, but merely to entering into partnership."

Now that we have heard from R. Samuel bar Itz'hak that the passage [Job i. 10]: "The work of his hands hast thou blessed" signifies, that whoever only received a coin from the hands of Job was fortunate in all his undertakings, we can infer, that with a man who is fortunate it is not only beneficial to be associated as a partner, but it is even to one's interest to buy from or sell to such a person.

Five things R. Aqiba while in prison commanded to R. Simeon ben Jochai: When R. Simeon ben Jochai said to him: "Master, teach me the Law," and R. Aqiba replied, "I do not wish to do this," the former said: "If thou wilt not, I shall complain to my father Jochai, and he will denounce thee to the government." R. Aqiba then remarked: "My son, more than the calf desireth to suck is the cow anxious to yield her milk," and R. Simeon replied: "In this case, however, the calf is in greater danger" (because R. Aqiba had been in prison already for this offence, while R. Simeon ben Jochai (the calf) stood yet in danger of being detected). Whereupon R. Aqiba told him the five things, viz.: If thou wouldst hang thyself, select at least a stout tree (meaning, that if thou wouldst have thy words listened to, quote them in the name of some great authority). If thou wouldst teach thy child, teach it from books free of errors. [What is meant thereby? Said Rabha, and according to others R. Mesharshia: "If a child is taught incorrectly to commence with, it is next to impossible to correct it subsequently."] Do

not cook in the same pot that thy neighbor once used. [What is meant thereby? A divorced woman whose husband is still living; because the Master said, that if a divorced man marry a divorced woman there are four different minds in one bed, and others say, that R. Aqiba even referred to a widow.] If thou wouldst do an act of charity or perform a religious duty, and incidentally derive material benefit therefrom, thou shouldst lend thy money to the husbandman and eat of the fruit of his land, in which case thou wilt do an act of charity and also derive material benefit. If thou wouldst perform a religious duty and keep thy body clean, thou shouldst take a wife and have children.

Four things our holy Rabbi commanded his children, viz.: Do not live in the city of Shakantzib (because the inhabitants are scorners). Do not sit on the bed of a Syrian woman. [What is meant thereby? Some say, that one should not lie down to sleep without reciting the Shema prayer; and others say, that one should not marry a proselyte; while still others say, that the literal meaning is to be accepted on account of what happened to R. Papa.\*] Do not try to avoid taxation (for aside from the fact that it is a duty to pay taxes, should it be known that ye desire to avoid them, your property is in danger of being confiscated). Lastly, do not stand in front of an ox just emerging from the swamps, for at that time he is so wild that it seems as if Satan were moving between his horns. R. Samuel said: "This refers only to a black ox in the month of Nisan."

R. Oshiya taught: An ox that had attempted to gore a person once should not be approached for a distance of fifty ells, and one that had done so three times should be avoided as long as he is in sight. It was taught in the name of R. Meir: If thou hast perceived an ox so vicious, even if he still have his head in his crib, climb up an elevation and draw thy ladder after thee immediately.

Three things R. Ishmael bar R. Jose commanded Rabbi, viz.: Thou shalt not cause a blemish on thyself [*i.e.*, thou shalt not deal with three men, one of whom will sue thee in a court of law and the other two will serve as witnesses against thee; for then thou wilt surely lose thy case]. Thou shalt not haggle

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\* There is a legend that R. Papa had lent a Syrian woman money, and whenever he would call on her to collect the debt, she would invite him to sit on a bed. One day she strangled a child and threw it upon the bed where R. Papa sat. She then accused him of strangling the babe, and he was compelled to flee for his life.

over the price of a thing if thou hast not the wherewithal to purchase it with thee; and on the night when thy wife has returned from the bath thou shalt have nothing to do with her. Said Rabh: "This refers to a woman who had been ritually unclean according to biblical law but not to one who had been unclean according to rabbinical law; for in the former case, having been unclean only seven days, there is danger of a recurrence of her uncleanness, while in the latter, where she had been unclean fourteen days, there is no such danger."

Three things R. Jose bar R. Jehudah also commanded Rabbi, viz.: Thou shalt not go out at night alone. Thou shalt not stand naked before a light; and thou shalt not enter a new bath-house, lest it be imperfectly constructed and break down. [How long is a bath-house considered new? Said R. Jehoshua ben Levi: "For twelve months." Why should not a man stand naked before a light? Because we have learned in a Boraitha: "One who stands naked before a light is liable to be seized with epilepsy, and one who has sexual intercourse before a light may produce epileptic children."]

The rabbis taught: "One who has intercourse with his wife in a bed where a child sleeps may cause the child to be epileptic, but this is the case only if the child is less than six years old. If it is over six years old, or even if it be less than six years old but sleeps at the foot or at the head of the bed, it does not matter. If the man, however, put his hand on the child, no matter where it sleeps, there will be no evil consequences."

Why should not a man go out alone at night? For we have learned in a Boraitha: "A man should not go out alone on the night following the fourth day or on the night following the Sabbath, because an evil spirit called Agrath, the daughter of Ma'hloth, together with one hundred and eighty thousand other evil spirits, go forth into the world and have the right to injure anyone they should chance to meet."

In former times this spirit would go forth every day. Once she met with R. Hanina ben Dosa and said to him: "If I had not heard it proclaimed in the heavens, 'Hanina and his knowledge must be respected,' I would inflict some injury upon thee," and he answered: "If I am esteemed in the heavens above, I command thee never to appear where men dwell," and she pleaded: "I must obey thy command, but leave me some freedom," whereupon he allowed the night following the fourth day and the night following the Sabbath.

At another time this same evil spirit met Abayi, and she also said to him: "Had I not heard it proclaimed above, 'Respect Na'hmeni (another name for Abayi) and his knowledge,' I would do thee harm"; and he answered: "If I am respected above, I command thee never to appear where men dwell."

Rabh said to R. Assi: "Do not live in a city where thou canst not hear a horse neigh or a dog bark, and do not live in a city whose (executive) head is a physician. Do not take unto thee two wives, because they might conspire against thee to do thee wrong. If thou, however, already hast two wives, take a third (and should two conspire against thee the third will betray them to thee)."

Rabh said to R. Kahana: "It were better that thou shouldst occupy thyself with carrion (for a livelihood) than that thou shouldst break thy word (promise). Rather skin carrion in the market for pay than say that thou art a priest or an important person and above such work; for all honest labor is preferable to accepting charity. When thou goest on a journey, no matter how short, always take some food with thee. Even when a hundred cucumbers may be had for one zuz, do not say that thou wilt buy thy food on the way, but carry it along with thee, for thou never canst know what might happen on the way."

Rabh said to his son Hyya: "Do not make a habit of taking medicine. Do not make long strides. Avoid as much as possible having a tooth extracted. Never try to tease a snake, and do not make sport of a Persian."

The rabbis taught: Never tease a little (young) Gentile, a small snake, or a young pupil; because their kingdom is behind their ears (*i.e.*, when they become older they seek revenge).

Rabh said to Aibo his son: "I have tried to teach thee the holy Law, but I cannot succeed; come and I will teach thee worldly things. When the sand is still on thy feet (*i.e.*, if thou hast returned from a purchasing trip), shouldst thou meet with a buyer sell out at once. Sell everything, even though thou mightst subsequently regret it, especially wine, which thou wilt never regret selling, for it might become spoiled. Make fast thy purse and open thy sack (*i.e.*, when selling, obtain the money first, secure it well, and then deliver the merchandise). If thou hast an opportunity to gain a kabh of land in thy immediate vicinity, it is better than a kur of land far away. If thy basket is filled with dates, run to the brewer and have him brew the beer; for the dates might be eaten up, and then thou wilt have

naught." [What quantity of dates should a man have before he goes to the brewer? Said Rabha: "Three saahs." Said R. Papa: "If I had not brewed beer, I should never have been rich," and so also said R. Hisda.

Said R. Papa: "All debts requiring promissory notes are doubtful, and those where the signatures must be verified are even more so; and even should they be paid, the money will not be good (*i.e.*, will come little by little)."]

Three things R. Johanan said in the name of the great men of Jerusalem: When thou goest to war, and canst persuade others to join thee, stay as long as possible in order to see that the men that thou hast recruited all go; and then go thyself last of all. Then upon the return thy reward shall be that thou shalt be first. Rather make thy Sabbath-day as any other, and avoid depending on charity. Associate thyself with one upon whom fortune smiles.

R. Jehoshua ben Levi also said three things in the name of the great men of Jerusalem, *viz.*: Do not commit private acts in public (on account of the evil consequences which have ensued by reason thereof). If thy daughter is of marriageable age, free thy slave and give her to him in marriage (rather than allow her to remain single), and watch thy wife with her first son-in-law. [Why so? Said R. Hisda: "On account of love," and R. Kahana said: "On account of money matters." As a matter of fact, both things should be looked after.]

R. Johanan said: The following three kinds of men shall inherit the world to come: Those that live in the Holy Land, those that send their children to houses of learning, and those that make Habdalah over wine (*i.e.*, those that have but little and leave some of the wine from the Kiddush for Habdalah, refraining from drinking it on the Sabbath).

R. Johanan said again: The Holy One, blessed be He, himself proclaims the virtue of the three following men: Of a bachelor who lives in a large city and sins not; of a poor man who finds a valuable thing and returns it to its owner; and of a rich man who gives a tenth of his profits to charity unbeknown to others.

R. Saphra was a bachelor, and lived in a large city. A certain Tana repeated the statement of R. Johanan, just quoted, in the presence of Rabha and R. Saphra. R. Saphra's face beamed with delight. Said Rabha to him: "A bachelor such as thou art is not meant, but such men as R. Hanina and R.

Oshiya, who were shoemakers in the land of Israel and whose shops were in the markets of the prostitutes. They would make shoes for those women and carry the shoes to the houses where the prostitutes lived, and even fit them there. Still, though the women would look at them, they never lifted their eyes to look at the prostitutes. Thus when oaths were taken, they would swear by the lives of these holy rabbis of the land of Israel."

The Holy One, blessed be He, loves three kinds of men, viz.: Those that never become angry, those that never become intoxicated, and those who do not insist upon asserting themselves. The following three the Lord hates: The one who speaks with his mouth and thinks otherwise in his heart; the one who can testify in a man's favor and does not do so; and the one who alone saw another man doing wrong and testifies against him in public, although knowing that the testimony of one man is not sufficient to convict, as it once happened that a certain man by the name of Tubia sinned. A certain Zigud came to R. Papa and testified against this Tubia. R. Papa ordered this Zigud chastised, and the latter said: "Tubia has sinned, and Zigud should be punished?" and R. Papa answered: "Yea; for it is written [Deutr. xix. 15]: 'There shall not rise up one single witness against a man,' and thou art the single witness against Tubia; hence thy testimony is of no value and merely slanders a man."

The rabbis taught: The following three kinds of men do not live a life worth living, viz.: Those who have too much pity with importunates, those who are very excitable, and those who are too fastidious. Said R. Joseph: "I combine in myself all those three defects."

The rabbis taught: The following three species hate others of their own kind, viz.: a dog, a cock, and a Persian Gueber (fire-worshipper); and others say, one prostitute hates another; and still others say, one scholar hates another.

The rabbis taught: The three following love others of their own kind, viz.: Proselytes, slaves, and ravens. The following four are unbearable to the sound sense of a man, viz.: A poor man who is vain, a rich man who constantly tells lies, an old man who is lascivious, and a president of a congregation who considers himself superior to all others without cause. Others say, also one who divorces his wife once, remarries, then divorces her again and again marries her.

Five things Canaan the son of Ham the son of Noah commanded his children; viz.: "Love ye one another, love robbery, love lasciviousness, hate your masters, and never tell the truth."

Six things were said of a horse, viz.: He is very passionate, he loves war, he is very proud, he hates to sleep, he eats much and casts off little; and according to others, he loves to kill his owner in a battle.

Rabba bar bar Hana said in the name of R. Samuel bar Martha, quoting Rabh upon the authority of R. Jose the man of Hutzal: Whence do we know that an Israelite must not consult astrologers? Because it is written [Deutr. xviii. 13]: "Perfect shalt thou be with the Lord thy God" (which signifies that perfect confidence must be reposed in the Lord). Whence do we know that if a man is convinced of the superiority of his neighbor to himself, even in one instance only, he should respect him? From the passage [Daniel vi. 4]: "Because a superior spirit was in him: and the king sought to appoint him over the whole kingdom." When a woman continues in the blood of her purification,\* although she is not defiled, she should not have any connection with her husband.

We have learned in a Boraitha: Joseph the man of Hutzal is Joseph the Babylonian or Issi ben Gur Ariah or Issi ben Jehudah or Issi ben Gamaliel or Issi ben Mahalalal, and what is (really) his name? Issi ben Aqabia.

R. Itz'hak ben Tabla is R. Itz'hak ben Haqla and the same as R. Itz'hak ben Elazar (Ela'a), and where R. Itz'hak is mentioned in Halakha it refers to R. Itz'hak ben A'ha, while where R. Itz'hak is mentioned in Haggada it refers to R. Itz'hak ben Pin'has.

Rabba bar bar Hana said in the name of R. Johanan, quoting R. Jehudah bar Ilayi: Rather eat onions and sit in peace in thy house than geese and chickens, which thou wilt acquire a taste for and perhaps be unable to gratify it. Reduce the quality of thy meals, if need be, in order to improve the quality of thy abode. When Ula came from Palestine, he said: "There is a saying in Palestine to this effect: He who always eats the fat of a ram's tail must hide himself from his creditors in an altar, but he who satisfies himself with herbs, can sit in the centre of the market in full view of all."

MISHNA: When the first cup is poured out, the blessing pertaining to the festival should be said, and then the benedic-

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\* *Vide* Leviticus xii. 4.



tion over the wine must be pronounced. Such is the dictum of Beth Shammai; but according to Beth Hillel, the benediction over the wine should be said first, and then the blessing of the festival may be pronounced.

GEMARA: The rabbis taught: The following presents one of the instances wherein Beth Shammai and Beth Hillel continually differ as regards meals, namely: Beth Shammai hold, first, that the blessing of the festival should precede that over the wine, because the festival is the direct cause of drinking the wine; and, second, the festival was already at hand while the wine was just brought. The school of Hillel, however, maintain, first, that the blessing over the wine has the preference, because, were it not for the wine or bread, no Kiddush could be said; secondly, the wine is usual and drank every day, while the festival only comes once in a certain period, and the rule is, that between a thing which occurs frequently and one which occurs only at intervals, the latter is to be given preference. The Halakha prevails according to Beth Hillel.

MISHNA: Herbs and vegetables are then to be brought; the lettuce is then to be immersed, part thereof eaten, and the remainder left until after the meal arranged for the night is eaten; then unleavened cakes are to be placed before him as well as the lettuce, sauce (Charoseth), and two kinds of cooked food, although it is not strictly obligatory to use the same; R. Elazar ben Zadok, however, said, that it is obligatory. During the existence of the Holy Temple, the paschal sacrifice was then placed before him.

GEMARA: Why are two immersions necessary, the one when lettuce is immersed and the other when the bitter herbs are immersed? In order to excite the curiosity of the children, and have them inquire into the reason therefor. Which kinds of the above-mentioned cooked food are meant? Said R. Huna: "Mangold and rice," and Rabh would see to it that there was only mangold and rice in place of the cooked victuals, because he wished to carry out the literal sense of R. Huna's teaching.

Hezkyah said: "Fish, together with an egg, may also serve for the two kinds of cooked food," and R. Joseph said: "Nay; there must be two kinds of meat (one roasted and the other boiled), one to serve as a remembrance of the paschal offering and the other as a remembrance of the festal offering." Rabhina said: "A bone and some boiled meat suffice."

It is self-evident that if a man have other vegetables besides lettuce he can say the blessing required for the vegetables, namely, "who hath created the fruit of the earth," and eat them, and then, when coming to the bitter herbs, he may say the blessing required, namely, "who hath commanded us to eat bitter herbs," and then eat them; but if a man have no other vegetables besides lettuce, how shall he pronounce the benedictions? Said R. Huna: "He should first say the ordinary benedictions for vegetables, eat a piece of the lettuce, then say the blessing over bitter herbs, and proceed to eat."

R. Hisda oposed this: "How can the man say another blessing after he had already eaten of the thing? Therefore he should say the two benedictions together, eat part of the lettuce, and when the time arrives to eat the remainder he can eat it without saying a blessing."

In Suria they acted in accordance with R. Huna's opinion, and R. Shesheth the son of R. Jehoshua would act in accordance with R. Hisda's decree. The Halakha prevails according to R. Hisda's decree. R. A'ha the son of Rabha took care to have other vegetables besides lettuce, in order to avoid the difference of opinion between the two sages.

Rabhina said: R. Mesharshia the son of R. Nathan told me, that so said Hillel, quoting a tradition: A man should not place the bitter herbs between unleavened cakes and eat them in that manner. Why not? Because the eating of unleavened cakes is a biblical commandment, while the eating of bitter herbs in this day is only a rabbinical ordinance. Now if the two be eaten together, the bitter herbs might destroy the taste of the cakes, and thus a rabbinical ordinance would supersede a biblical commandment; and even according to those who hold that one commandment cannot nullify another when both are fulfilled at the same time, such is only the case where both are biblical or both are rabbinical; but when one is a biblical and the other a rabbinical commandment, the rabbinical nullifies the other, and hence their joint fulfilment is not allowed.

Who is the Tana from whom we have heard that the fulfilment of one commandment does not nullify that of another? That Tana is Hillel, as we have learned in a Boraitha: It was said of Hillel, that he would take a piece of the paschal offering, an unleavened cake, and some bitter herbs, and eat them together, as it is written [Numb. ix. 11]: "With unleavened bread and bitter herbs shall ye eat it."

R. Johanan said: "Hillel's colleagues did not agree with him, as we have learned in a Boraitha: Lest we assume that the paschal offering, the unleavened bread, and the bitter herbs must be eaten together, therefore it is written, 'With unleavened bread and bitter herbs shall ye eat it,' which signifies, that each may *even* be eaten separately." R. Ashi opposed this: "If this Boraitha is supposed to be in opposition to Hillel, why does it state that each may *even* be eaten separately? (If they may be eaten *even* separately, then surely they may be eaten together.) Therefore the Boraitha means to state, that even if the three things were eaten separately the duty was acquitted, though they should rather be eaten together."

Now in this day, when it is not known whether the Halakha prevails according to the opinion of Hillel or of the opposing sages, the mode of procedure should be thus: A blessing should be said over the unleavened bread and a piece thereof eaten; then another blessing should be said over the bitter herbs and a piece tasted, and finally the unleavened bread and the bitter herbs should be put together and eaten at the same time, saying: "This is in remembrance of Hillel's actions when the Temple was still in existence."

R. Elazar said in the name of R. Oshiya: "When anything is dipped in sauce, the hands should be perfectly clean"; *i.e.*, previously washed. Said R. Papa: "Thence we may infer that the lettuce must be entirely immersed in the Charoseth (sauce), for otherwise what need would there be of washing the hands, they would not touch the sauce?" Nay; perhaps this is not so: the odor of the sauce might neutralize any poison which might be lurking in the lettuce, and thus the lettuce need not be entirely immersed, and as for washing the hands, that is merely a precaution lest they accidentally touch the sauce.

R. Papa said again: "The bitter herbs should not be allowed to stay any length of time in the sauce, lest the spices draw out the bitterness, and thus make the bitter herbs tasteless."

R. Hisda led Rabbana Ubqa by the arms and the latter preached: "If a man washed his hands prior to dipping the lettuce the first time, he should nevertheless wash his hands again when dipping a second time." The rabbis told this to R. Papa, and remarked that the statement did not refer to the Passover-meal alone, but that it was a general rule; for if it referred to the Passover-meal alone, why should a man wash his hands the second time, he had already performed that duty?

Rejoined R. Papa: "On the contrary! The statement refers to the Passover-meal alone; for where do we find that a second dipping is required, and should it be claimed that the duty had already been performed, hence a second washing of the hands were unnecessary, it should be taken into consideration, that between the first and second washing of the hands the recital of the Haggada and the Hallel prayer was accomplished, and thus the first washing of the hands might have been lost sight of?"

Rabha said: "If a man swallowed unleavened bread (without masticating it), even if he did not taste it, he has acquitted himself of the duty of eating unleavened bread; but if he swallowed the bitter herbs without getting a taste of the bitterness, he has not discharged the duty pertaining to eating bitter herbs. If he swallowed unleavened bread together with bitter herbs, he has acquitted himself of the duty pertaining to unleavened bread, but not of that pertaining to bitter herbs. If he had, however, wrapped the unleavened bread together with the bitter herbs in a leaf (or peel of a fruit) and swallowed it, so that neither the unleavened bread nor the bitter herbs touched the palate, he did not even discharge the duty pertaining to unleavened bread."

R. Shimi bar Ashi said: "Unleavened bread, bitter herbs, and Charoseth must be dealt out to each man separately, but immediately before the Haggada is read, the tables on which the food is served\* should not be removed at once, but only from the man who is about to recite." R. Huna, however, said: "The things mentioned were only served to the man who was to recite the Haggada, and he would then deal them out to the others," and the Halakha prevails according to the decree of R. Huna.

For what purpose were the tables removed? Said the disciples of R. Janai: "In order to excite the curiosity of the children present, and induce them to inquire into the reasons."

Abayi while still a child sat at a table in the presence of Rabba, and observed that the table of Rabba was removed. Said Abayi: "We have not yet eaten our meal, why are the tables being removed?" and Rabba replied: "By thy question we are absolved from commencing with the passage: 'Wherefore is this night distinguished from all nights?' and we can immediately proceed with the answer: 'Because we were slaves,' etc."

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\* The custom was to serve each man separately on a small table which was placed at the couch upon which the men would lean while partaking of the meal.

Samuel said: It is written [Deut. xvi. 3]: "Bread of affliction" (Le'hem Oni), and as "Oni" can also stand for "proclaiming," the bread may be called "bread of proclamation," *i.e.*, "breadover which proclamations should be made," and thus we have also learned in a Boraitha (with the following supplementary statement): Or "Oni" may still be called "poor," and for the reason that the benediction pertaining to the eating of the unleavened bread should be made over a broken piece after the manner of the poor.

"*Although it is not obligatory to use Charoseth,*" etc. If it is not obligatory, why is it used? For the purpose of neutralizing any poison that might be contained in the bitter herbs, said R. Ami.

"*R. Elazar ben Zadok, however, said: It is obligatory,*" etc. What religious purpose can it serve? Said R. Levi: "It serves as a remembrance of the apple-trees." \* R. Johanan, however, said: "It serves as a remembrance of the loam which the Israelites were compelled to prepare when in bondage in Egypt." Said Abayi: Therefore the Charoseth should be made to have an acid taste in memory of the apple-trees, and also thick, in memory of the loam.

We have learned in a Boraitha in support of R. Johanan, *viz.*: "The spices used in the preparation of the Charoseth were in memory of the straw used in the preparation of the loam, and the Charoseth was in memory of the loam itself." R. Elazar ben Zadok said: "The vendors of spices in Jerusalem would shout on the streets, 'Come and buy spices for the religious purpose!'"

MISHNA: A second cup of wine is poured out; and the son should then inquire of his father (the reasons for the ceremony). If the son is mentally incapacitated to do this, the father is bound to instruct him as follows: Wherefore is this night distinguished from all other nights? That on all other nights we may eat either leavened or unleavened bread, but on this it must be all unleavened; on all other nights we may eat all kinds of herbs, but on this we may only eat bitter herbs; on all other nights we may eat meat, roasted, boiled, or cooked in different ways, but on this night we may only eat it roasted; on

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\* The apple-tree that is mentioned in Solomon's Song (viii. 5), "Under the apple-tree have I waked thee," upon which is based the legend that when the edict was promulgated in Egypt to slay the male children of the Israelites, the mothers would give birth to their children under apple-trees and thus shield them from the Egyptians.

all other nights we immerse what we eat once, but on this night twice. And according to the powers of comprehension of the child, thus should his father teach him: first, he should inform him of the disgrace (of our ancestors), and then conclude with the recital of the favorable and laudatory passages; he should expound the passage [Deutr. xxvi. 5]: "A Syrian, wandering about, was my father," etc., until the end of the passage [ibid. 9].

GEMARA: The rabbis taught: One who has an intelligent son should be asked by his son; if the son is not sufficiently intelligent, the wife should inquire, and if the wife is not capable, he himself should ask those questions; and even if two scholars who are well versed in the laws of the Passover should sit together at the Passover-meal, one should ask the other the above questions.

The Mishna states, "on all other nights we immerse what we eat once." "Is, then, this done because it is a duty?" asked Rabha. "Therefore," said he, "it should state this: 'On all other nights we are not even bound to immerse what we eat once, but on this night we must do so twice.'"

R. Saphra opposed this: "Shall we tell children of the duty: what do children know of duty? Therefore let the Mishna rather state: 'On all other nights we do not immerse what we eat at all, but on this night we do so twice.'"

MISHNA: Rabbon Gamaliel used to say: Whosoever does not mention the following three things on the Passover has not fulfilled his duty. They are: The paschal sacrifice, the unleavened cakes, and the bitter herbs. The paschal sacrifice is offered because the Lord passed over the houses of our ancestors in Egypt, as it is written [Exod. xii. 27]: "That ye shall say, It is the sacrifice of the Passover unto the Lord, who passed over the houses of the children of Israel in Egypt," etc.; the unleavened bread is eaten because our ancestors were redeemed from Egypt (before they had time to leaven their dough), as it is written [ibid. 34]: "And the people took up their dough before it was leavened," etc.; and bitter herbs are eaten because the Egyptians embittered the lives of our ancestors in Egypt, as it is written [ibid. 1-14]: "And they made their lives bitter," etc. It is therefore incumbent on every person, in all ages, that he should consider it as though he had personally gone forth from Egypt, as it is written [ibid. xiii. 8]: "And thou shalt tell thy son on that day, saying, This is done for the sake of that which the Lord did unto me when I came forth out of Egypt."

We are therefore in duty bound to thank, praise, adore, glorify, extol, honor, bless, exalt, and reverence Him who wrought all these miracles for our ancestors and for us; for He brought us forth from bondage to freedom, He changed our sorrow into joy, our mourning into a feast, He led us from darkness into a great light, and from servitude into redemption: let us therefore say in His presence, "Hallelujah" (sing the Hallel prayer).

How far is the Hallel then to be said? According to Beth Shammai, till [Psalms cxiii. 9]: "He causeth the barren woman to dwell," etc.; but according to Beth Hillel, till [ibid. cxiv. 8]: "Who changeth the rock into a pool of water," etc., and they are to close with a blessing for the redemption. R. Tarphon says: This is the form: "Blessed art thou, O Lord our God, Sovereign of the universe, who hast redeemed us and our ancestors from Egypt," without any further concluding blessing. R. Aqiba, however, says: "(The preceding should be continued as follows:) Thus mayest thou, O Lord our God, and the God of our ancestors, bring us to the peaceable enjoyment of other solemn feasts and sacred seasons which are nigh unto us, that we may rejoice in the rebuilding of thy city and exult in thy service, that we may there eat of the paschal and other sacrifices," etc., until "Blessed art thou, O Lord, who hast redeemed Israel."

GEMARA: Rabha said: One must say, the Lord hath redeemed *us* from Egypt, and he said again: The unleavened bread and the bitter herbs must be lifted up when about to be eaten, but the meat need not be lifted up; and, moreover, if the meat were lifted up, it would appear as if consecrated things were eaten outside (of the Temple).

R. A'ha bar Jacob said: "A blind man is exempt from the recital of the Haggada, and this is adduced from the comparison by analogy of the two passages [Exod. xiii. 8]: '*This* is done,' etc., and [Deut. xxi. 20]: '*This* our son is stubborn,' etc.; and as concerning the latter verse it is taught elsewhere that, if the parents of the son be blind, and hence unable to point him out, the son shall not be stoned, so concerning the former verse it is taught, that a blind man is exempt from the duty of the recital."

Is this indeed the case? Did not Mareimar say that he asked the teachers of the disciples of R. Joseph who recited the Haggada in the house of R. Joseph, and that they answered: "R. Joseph," and who recited the Haggada in the house of R. Shesheth, and they answered: "R. Shesheth" (R. Joseph and

R. Shesheth were both blind)? (The answer is,) both R. Joseph and R. Shesheth hold, that the entire ceremony pertaining to unleavened bread is in these days only a rabbinical institution (and therefore its observance is optional).

"*It is therefore incumbent on every person,*" etc. Said R. Jehoshua ben Levi: "With ten different expressions of praise the entire Book of Psalms was composed, namely: With Nitzua'ch, Nigon, Maskil, Mizmor, Shir, Ashrai, Thehiloh, Thephilah, Hodaah, and Hallelujah.\* The most important of all the expressions is that of Hallelujah, because it contains within itself both praise and the Name."

Said R. Jehudah in the name of Samuel: "The song in the Scriptures [Exod. xv.] was sung by Moses with Israel when coming up out of the sea, and who recited the Hallel? The prophets among them ordained, that at all times when they are delivered out of affliction, they should say it on account of their redemption."

We have learned in a Boraitha: R. Meir said: All the praises uttered in the Book of Psalms were uttered by David, as it is written [Psalms lxxii. 20]: "Here are ended the prayers of David the son of Jesse." Do not read "Kolu" (are ended), but "Kol Elu" (all these are).

Who said Hallel? Said R. Jose: "My son Elazar says, that Moses together with Israel said it, when coming up out of the sea, but his colleagues differ with him, maintaining that David said it; but to me my son's opinion seems the more reasonable, for how can it be that the Israelites should slaughter their paschal offerings and take their palm-branches, and not sing a song of praise?"

The rabbis taught: All the songs and hymns in the Book of Psalms were, according to the dictum of R. Elazar, sung by David for his own sake; but R. Jehoshua says, that he did so for the congregation at large, and the sages say, that some were uttered by him for the congregation at large while others were only for his own sake, namely, those which he uttered in the singular were for his own sake and those uttered in the plural were for the community at large. The Psalms containing the terms Nitzua'ch and Nigon were intended for the future; those containing the term Maskil were proclaimed through an inter-

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\* All these ten expressions are to be found in the original Psalms, and while not all of exactly the same meaning imply more or less the same thing.



preter; where the psalm commences "Le-David Mizmor" the Shekhina first rested upon David and then he sang the psalm, but where it commences "Mizmor Le-David" he first sang the psalm and then the Shekhina rested upon him, whence it may be inferred that the Shekhina does not rest upon one who is in a state of idleness, or sorrow, or laughter, or thoughtlessness, or upon him who indulges in vain words, but only upon one who rejoices in the fulfilment of a duty, as it is written [II Kings iii. 15]: "But now bring me a musician. And it came to pass when the musician played, that the inspiration of the Lord came upon him."

Said R. Jehudah in the name of Rabh: "The same applies to the study of Halakhaoth," and R. Na'hman said: "The same also applies to a good dream."

Is this indeed the case? Did not R. Giddel say in the name of Rabh, that every scholar who sits in the presence of his Master in other than a serious mood cannot retain anything he has learned, so as to be able to repeat it with his lips? as it is written [Solomon's Song v. 13]: "His lips, like roses, dripping with fluid myrrh." (The Hebrew term for roses is "Shoshanim," and for learning the term is "Shanah." The expression for "myrrh" is "mar," which also signifies bitterness. Thus the passage may be interpreted as follows:) "The lips that learn, drip with bitterness (seriousness)." Thus we see that seriousness is necessary when learning, and not rejoicing? This presents no difficulty. Rejoicing is necessary for the teacher, *i.e.*, he should be in an agreeable mood; but the disciple who is learning must be serious, and if you wish, I will tell you that both apply to the teacher, but the former applies before the teacher commenced his lecture and the latter when he had already commenced, as Rabba was wont to do, namely: He would preface his lecture with a joke and bring his disciples into a good humor; then he would proceed in all seriousness and teach the Halakha.

The rabbis taught: Who said the Hallel? R. Elazar said: Moses and Israel said it when standing by the sea. They said what is written [Psalms cxv. 1]: "Not for our sake, O Lord, not for our sake, but unto thy name give glory," and the Holy Spirit replied [Isaiah xlviii. 11]: "For my own sake, for my own sake, will I do it"; and R. Jehudah said: Joshua and Israel said it when they did battle with the kings of the Canaanites. Israel said: "Not for our sake," etc., and the Holy Spirit said:

"For my own sake," etc. R. Elazar of Modai said: Deborah and Barak said it when Sissera waged war upon them. They said: "Not for our sake," and the Holy Spirit replied: "For my own sake," etc. R. Elazar ben Azariah said: King Hezekiah and his companions said it when Sennacherib waged war upon them. They said: "Not for our sake," etc., and the Holy Spirit replied: "For my sake," etc. R. Aqiba said: Hananiah, Mishael, and Azariah said it when Nebuchadnezzar was about to throw them into the fiery furnace. They said: "Not for our sake," etc., and the Holy Spirit replied: "For my sake," etc. R. Jose the Galilean said: Mordechai and Esther said it when Haman the wicked rose up against them. They said: "Not for our sake," etc., and the Holy Spirit replied: "For my sake," etc.; but the sages said, that the prophets among the Israelites arranged so that whenever affliction overtook the Israelites, they said it in the hour of their redemption.

Said R. Hisda: "Each Hallelujah denotes the conclusion of a chapter in Psalms," but Rabba bar R. Huna said: "It denotes the commencement of a chapter." Said R. Hisda: "I saw the Book of Psalms in the hands of R. Hanan bar Rabh, and observed that a Hallelujah stood in the midst of a chapter, whence I infer that there must have been a doubt whether it belonged at the beginning of the chapter or at the end, and for that reason it was placed in the centre." Said R. Hanin the son of Rabha: All agree, that after the verse [Psalms cxlv. 21]: "The praise of the Lord shall my mouth speak: and let all flesh bless His holy name for ever and ever," the Hallelujah is the commencement of the chapter; and after the verse [ibid. cxii. 10]: "The wicked shall see it and be vexed; he will gnash with his teeth and melt away; the longing of the wicked shall perish," the Hallelujah is also the commencement of a chapter; and after the verse [ibid. cxxxv. 2]: "Ye that stand in the house of the Lord, in the courts of the house of our God," the Hallelujah is also the beginning of a chapter. The Karaites\* add to these verses, ibid. cx. 7 and ibid. cxi. 10, after both of which the Hallelujah is the beginning of a chapter.

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\* There was already in the time of the Talmud a class of men who did not care for the figurative explanation of the Scripture, but who explained it almost literally. They were called Karaier or Baali Mikra, which means men who depended only on the literal translation of the Scriptures, as the Hebrew word Kara means verse. The Karaier of the time of the Gaonim have probably derived their name from them. (See our "History of the Talmud," Chap. Karaites.)

Shall we assume, that the Tanaim also differ concerning the Hallelujah in the above Mishna? We have learned: How far is the Hallel to be said? According to Beth Shammai, till [Psalms cxiii. 9] "the joyful mother of children," etc., but according to Beth Hillel, till [ibid. cxiv. 5] "who changeth the rock into a pool of water"; and we have learned in another Boraitha, according to Beth Shammai, till [ibid. cxiv. 1] "when Israel went forth out of Egypt," and according to Beth Hillel, till [ibid. cxv. 1] "not for our sake, O Lord," etc. Shall we then assume, that those who say till "the joyful mother of children," hold that the Hallelujah which succeeds the verse is the beginning of a chapter, while those who say that the Hallel should be said till "when Israel went forth out of Egypt," hold the Hallelujah to be the end of a chapter? Nay; R. Hisda may answer this according to his own theory, that all agree upon Hallelujah as being the end of a chapter, and that those who in accordance with Beth Shammai say the Hallel till "when Israel went forth out of Egypt," are perfectly correct, as they already include the Hallelujah, but those who according to Beth Shammai in the first Boraitha say the Hallel as far as "the joyful mother of children," mean to include that verse also with the Hallelujah.

Rabba bar R. Huna, however, may answer this according to his theory, that all agree upon Hallelujah as being the beginning of a chapter, and that those who according to Beth Shammai say the Hallel as far as "the joyful mother of children," are correct, while those who say it till "when Israel went forth out of Egypt," mean to *exclude* that verse with the Hallelujah.

"*They are to close with a blessing for the redemption.*" Rabha said: In the reading of the Shema and the Hallel the redemption of Israel should be referred to in the past tense, namely: "Who hast redeemed," etc., while in the prayer embracing the eighteen benedictions it should be referred to in the future tense, namely: "Who wilt redeem," etc., for a prayer should be made to apply to the future and not to the past.

R. Zera said: When the Kiddush is said, the benediction contained therein must read: "Who hast sanctified us with his commandments," etc., but in prayer the sentence should read: "Sanctify us with thy commandments," etc., because such is the prayer for Mercy.

R. Aha bar Jacob said: In the benediction contained in the Kiddush, the exodus from Egypt must be referred to, and this

is derived from a comparison by analogy in the verses [Deutr. xvi. 3]: "That thou mayest remember the day of thy going forth out of Egypt," etc., and [Exod. xx. 8]: "Remember the Sabbath day to keep it holy," whence the inference, that the exodus from Egypt must be remembered in the Kiddush.

Rabba bar Shela said: In the prayer for redemption, the sentence, "He causeth to sprout the foundation of help," should be said, and the benediction pronounced after the recital of the Haphtorah\* should be concluded, after the blessing for the redemption, with "the shield of David." As it is written [II Sam. vii. 9]: "I have made thee a great name, like the name of the great," etc., and R. Joseph taught that it signifies the conclusion with "the shield of David."

R. Simeon ben Lakish said: It is written [Gen. xii. 2]: "And I will make of thee a great nation," and this is explanatory to the term "the God of Abraham" used in prayer. "I will bless thee" [ibid.] refers to "the God of Isaac," and "make thy name great" [ibid.] refers to "the God of Jacob"; and lest we assume that the conclusion of the benedictions should also be made to embrace all three terms, therefore the passage [ibid.] ends with "and *thou* shalt be a blessing," signifying that only one (and that is Abraham) should form the concluding blessing.

Rabba said: I discovered that the sages of Pumbaditha once sat and proclaimed the following: "On Sabbath, both in the recital of the Kiddush and in prayer, the concluding blessing must be 'who hath sanctified the Sabbath,' and on a festival also, both in prayer and in the Kiddush, the concluding benediction must be 'who hath sanctified Israel and the time of the festivals.'" Said I to the sages: "On the contrary! On Sabbath and on festivals the concluding blessing of the prayer should be 'who hath sanctified Israel,' but the concluding benediction of the Kiddush on the Sabbath should be 'who hath sanctified the Sabbath,' while on a festival it should be 'who hath sanctified Israel and the time of the festivals,' and I will tell you the reason both for your assertion and my own. Your reason is, that Sabbath is not an institution of the Israelites themselves, but one ordained for them from the beginning; hence it should be said 'who hath sanctified the Sabbath,' but on the festivals, which are instituted by the Israelites themselves, by making

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\* By Haphtorah is meant the several passages in the Prophets which are read after the reading of the section in the Pentateuch of the day has been ended.

months intercalary or ordinary, it should be said, 'who hath sanctified Israel and the time of the festivals.'

"My reason is, however, that as prayer is generally offered up by an assembly, it should therefore conclude with 'who hath sanctified Israel'; but Kiddush, which is recited by an individual, should conclude with 'who hath sanctified the Sabbath,' and, on festivals only, with 'who hath sanctified Israel and the time of the festivals.'" [This is, however, no argument; for prayer may be offered up by an individual, and Kiddush can be said in an assembly.]

Ula, the son of Rabh, in the presence of Rabha, prayed in accordance with the dictum of the sages of Pumbaditha, and Rabha did not object; whence we may infer that he retracted his former statement and finally agreed with those sages.

R. Nathan the father of R. Huna ben Nathan also prayed in the presence of R. Papa in accordance with the dictum of the elders of Pumbaditha, and R. Papa commended him for doing so.

Rabhina said: "I once came to Sura and prayed in the synagogue in the presence of Mareimar, and the reader prayed in accordance with the dictum of the sages of Pumbaditha. The congregation, however, desired to silence him, when Mareimar said to them: 'Let him proceed; for the Halakha prevails according to the sages of Pumbaditha.'"

MISHNA: A third cup of wine is then poured out, and the benediction after meals is said. After pouring out the fourth cup, the Hallel should be concluded over it and the blessings on the songs of praise be said. A person may drink as much as he chooses between the second and third cups, but not between the third and fourth.

GEMARA: Said R. Hanan to Rabha: "Infer from this Mishna, that for the benediction after meals a cup (of wine) is required," and Rabha replied: "Nay; these four cups serve as a symbol of our freedom, and incidentally they were divided for the accomplishment of several religious duties, but no inference should be made that the benediction after meals requires a cup of wine."

"*And the blessings on the songs of praise (should) be said.*" What are these blessings? R. Jehudah said: The prayer following the Hallel, namely: "All thy works, O Lord, shall praise thee," etc., and R. Johanan said: The prayer commencing: "The breath of all living," etc.

The rabbis taught: On the fourth cup the Hallel is concluded, and the great Hallel should also be recited thereon. Such is the decree of R. Tarphon, and according to another version, R. Tarphon decreed that the chapter [Psalms xxiii.], "The Lord is my shepherd," etc., should also be said. Whence does the great Hallel commence? Said R. Jehudah: From [Psalms cxxxvi.] "Give thanks unto the Lord," etc., until [ibid. cxxxvii.] "by the rivers of Babylon," etc. R. Johanan, however, said: From [ibid. cxx.] "A song of the degrees," etc., until [ibid. cxxxvii.] "by the rivers of Babylon," etc. R. Aha bār Jacob, however, said: From [ibid. cxxxv. 4] "For Jacob hath the Lord chosen," etc., until [ibid. cxxxvii.] "by the rivers of Babylon," etc.

Why is this called the great Hallel? Said R. Johanan: Because the Holy One, blessed be He, sits in the uppermost height of the world and thence deals out food for all his creatures (as it is written [Psalms cxxxvi. 25, 26]: "Who giveth food unto all flesh; for to eternity endureth his kindness. O give thanks unto the God of the heavens," etc.).

R. Jehoshua ben Levi said: "The twenty-six verses of the chapter [cxxxvi.] apply to the twenty-six generations existing before the Law was given, and who were nourished only by His grace."

R. Hisda said: The passage [ibid. cxxxvi. 1], "O give thanks unto the Lord, for he is good," signifies that the Lord punishes man for evil deeds only by diminishing his (the man's) possessions (goods); *f.i.*, a rich man is punished by the loss of an ox, a poor man by the loss of a sheep, an orphan by the loss of an egg, and a widow by the loss of her hen, etc.

R. Johanan said: The earning of a man's daily bread is twice as laborious to him as the bearing of a child is to a woman, for concerning a woman lying-in it is written [Gen. iii. 16]: "In pain (Be'etzeb) shalt thou bring forth children," while concerning man it is written [ibid. 17]: "In pain (Be'itzabon) shalt thou eat of it all the days of thy life," which implies a greater degree of pain.

R. Johanan said again: The earning of a man's daily bread is beset with more difficulty than the redemption; for concerning the redemption it is written [Gen. xlviii. 16]: "The angel who redeemed me from all evil," while concerning a man's daily bread it is written [ibid. 15]: "The God who fed me from my first being unto this day," whence we see that for redemption it

only required an angel, while for the sustenance of a man it required God's providence.

R. Jehoshua ben Levi said: When the Lord said to Adam [Gen. iii. 18]: "And thorns and thistles shall it (the earth) bring forth to thee," tears ran from Adam's eyes, and he said: "Creator of the Universe! Shall then I and my ass eat of the same crib?" but when he heard the Lord say [ibid. 19]: "In the sweat of thy face shalt thou eat bread," he felt relieved. Said R. Simeon ben Lakish: "It were better for us had we been left in our original condition, when we were doomed to eat the herbs of the field; then we would not have been obliged to work so hard for our bread." \* Said Abayi: "We have not yet been released from that doom, for there are quite a number of herbs which we can eat directly from the field."

R. Shezbi said in the name of R. Elazar ben Azariah: "The earning of a man's daily bread is as difficult of accomplishment as was the dividing of the Red Sea for the Israelites when going out of Egypt."

If it is necessary to recite the great Hallel, why must the small Hallel be recited at the Passover-meal? Because the small Hallel contains the following five things: "The exodus from Egypt, the dividing of the Red Sea, the giving of the Law to the Israelites, the resurrection of the dead, and the sufferings in the time of the Messiah." The exodus from Egypt, as it is written [Psalms cxiv. 1]: "When Israel went forth out of Egypt"; the dividing of the Red Sea, as it is said [ibid. 3]: "The sea beheld it, and fled"; the giving of the Law, as it is said [ibid. 6]: "Ye mountains, that ye skip like wethers," referring to the time when the Law was given to Israel; the resurrection of the dead, as it is said [ibid. cxvi. 9]: "I will walk before the Lord in the lands of life"; and the sufferings in the time of the Messiah, as it is written [ibid. cxv. 1]: "Not for our sake, O Lord," etc., commenting upon which, R. Johanan said that it refers to the time of the war of Gog and Magog (which will occur just before the coming of the Messiah and will be the worst period for the Israelites to pass through).

R. Na'hman bar Itz'hak said: The small Hallel is recited for another reason, namely, because it contains the transposition of the souls of the righteous from Gehenna to Heaven, as it is

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\* This explanation of the text is according to the commentary of Rabbi Samuel Aidlash (Marsha').

written [Psalms cxvi. 4]: "I beseech thee, O Lord! release my soul" (from Gehenna).

Hez'kyah said: There is still another reason why the small Hallel should be recited, namely, because it is mentioned that Hananiah, Mishael, and Azariah were thrown into the fiery furnace and came out alive: for the passage, "Not for our sake, O Lord," was said by Hananiah; "but unto thy name give glory," was said by Mishael, and "for the sake of thy kindness, for the sake of thy truth," was said by Azariah; and the next passage, "Wherefore should the nations say, Where now is their God?" they all three said together. This happened when they were thrown into the fiery furnace, and when they came out Hananiah said the passage [Psalms cxvii.], "Praise the Lord, all ye nations"; Mishael said: "Praise him, all ye people." "For mighty is his kindness over us," was said by Azariah, and "And the truth of the Lord endureth forever, Hallelujah!" all three said in unison. According to another version, this last sentence, "The truth of the Lord endureth forever," was said by the angel Gabriel, because it was said that when Nimrod the wicked threw Abraham our father into the fiery furnace, the angel Gabriel said to the Lord: "Permit me to go and make the furnace cold, that it may do no harm to Abraham," and the Holy One, blessed be He, replied: "Abraham is now the only one who has forsaken idolatry and believes in God, and I am the only One in the world, hence it would be but fair that the only One should rescue the other exception," and as the Holy One, blessed be He, would not deprive any one creature of the reward due, He said to Gabriel: "Thou shalt have an opportunity to rescue three of his children from the fiery furnace, while I Myself shall rescue him." (Whereupon Gabriel is supposed to have said: "The truth of the Lord endureth forever.")

R. Simeon of Shiloni preached: When Nebuchadnezzar the wicked threw Hananiah, Mishael, and Azariah into the fiery furnace, the angel Jurqami, master of the waters, came before the Lord and said: "Permit me to go and cool the furnace, so that I might rescue the righteous from death." Said Gabriel to him: "This would not prove the power of the Lord, for it is well known that water can extinguish fire, and thou art the master of waters; hence it would be but commonplace if through thy means the furnace were cooled. Rather should I, who am the master of fire, be permitted to go, and I shall remove the fire on the inside and make it so much more fierce on the



outside, which will be a miracle within a miracle; for a master of fire will make the fire cool in one place and so much hotter in another." Whereupon the Lord said: "Go thou, Gabriel, and do so," and Gabriel said: "The truth of the Lord endureth forever."

R. Nathan said: The truth of the Lord endureth forever, was said by the fish of the sea, and this is in accordance with the dictum of R. Huna, who said: When the Israelites were brought forth out of Egypt, they were still sceptics, and when taken through the Red Sea, they said: "Surely the Egyptians have passed through the sea at another point, and will overtake and slay us." So the Lord said to the master of the sea: "Throw out all the bodies of the Egyptians in the sea on dry land, so that the Israelites may see them," and the master of the sea replied: "Creator of the Universe! Is there then a slave who was given a gift by his master, and was then deprived of it again?" So the Lord replied: "I shall return to thee half as many again as thou shalt throw out," and the master of the sea said again: "Creator of the Universe! Is there then a slave who should demand restitution of his master?" and the Lord answered again: "The stream of Kishon shall be thy pledge." Whereupon all the bodies of the Egyptians were thrown up on the dry land, and Israel saw them, as it is written [Exod. xiv. 30]: "And Israel saw the Egyptians dead upon the shore of the sea." Whence do we know that the Lord promised half as many again in return for the bodies of the Egyptians? Because concerning the Egyptians it is said [ibid. xiv. 7]: "And he took six hundred chariots," while concerning Sissera it is said [Judges iv. 3]: "For he had nine hundred chariots of iron."

When Sissera came to wage war upon the Israelites, he came with iron spears; but the Lord changed the position of the stars, as it is written [Judges v. 20]: "From heaven they fought: the stars in their courses fought against Sissera." As soon as the stars moved, the spears of Sissera's army became heated, so the men went to cool them in the stream of Kishon, and then the Lord said to the stream of Kishon: "Thou wast pledged. Go now, and redeem thy pledge." Whereupon the stream threw them all into the sea, as it is written [ibid. 21]: "The stream of Kishon swept them away, that ancient stream, the stream of Kishon." Why is it called the ancient stream? It is so called, because it was given as a pledge in ancient time. Then, when all those men were swept into the sea, the fishes, which were

thus provided with so much food, said: "The truth of the Lord endureth forever."

Rabha preached: It is written [Psalms cxvi. 1]: "It is lovely to me, that the Lord heareth my voice." The congregation of Israel (Kneseth Israel) said to the Holy One, blessed be He: "Lord of the Universe! When do I know that I have found favor in thine eyes, when thou hearest my prayer?" Further, it is written [ibid. 6]: "I was in misery, and He helped me." The congregation of Israel said to the Lord: "Lord of the Universe! Although I am deficient in the fulfilment of religious duties, I am nevertheless thine; hence it would be seemly that thou shouldst help me."

R. Kahana said: When R. Ishmael bar R. Jose became ill, Rabbi sent to him the following request: "Tell us two or three things which thou wert wont to say in the name of thy father," and R. Ishmael replied: So said my father: The passage [Psalms cxvii. 1], "Praise the Lord, all ye nations," signifies that all the nations should praise Him, on account of the power and the miracles with which He has helped the nations, and so much the more should we Israelites praise him; for concerning us it is written [ibid. 2]: "For mighty is his kindness over us." My father also said: In the future, Egypt will bring a gift to our Messiah, and he will hesitate whether to accept it or not, when the Lord will say unto him: "Accept it, for they were hospitable to my children in their land," and it is written [Psalms lxviii. 32]: "Nobles will come out of Egypt" (with gifts). Seeing this, Ethiopia will say: "If the gifts of Egypt, which held the Israelites in bondage, were accepted, surely gifts from us, who never did them any injury, will be so much the more accepted." So the Lord will say to the Messiah: "Accept their gifts also," and it is written [ibid.]: "Ethiopia will stretch forth her hands eagerly unto God." When Rome shall see this, they will say: "Surely if the gifts of the Ethiopians, who are nowise near to the Israelites, were accepted, gifts from us, who are their brethren,\* will be accepted." And the Lord said to the angel Gabriel: "Rebuke the wild beasts" [Psalms lxviii. 31], and R. Hyya bar Abba in the name of R. Johanan explains this to mean: "Rebuke the wild beasts, whose quills are used solely to write decrees to the detriment of the Israelites," and the

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\* The Talmud states that the Romans were descendants of the Edomites, children of Edom or Esau, the brothers of Jacob, as it is written [Gen. xxxvi. 1]: "The generations of Esau, who is Edom."

further passage [ibid.], "the troop of steers among the calves of nations," signifies that they (the Romans) were like a troop who slew the greatest among the Israelites like calves who had no owners. "That hasten along with presents of silver," signifies that they stretch forth their hands to receive bribes from the Israelites, promising them permission to carry out the ordinances of their law; but when in receipt of the bribe violate their promises and prevent the Israelites from performing their religious duties. "He scattereth the nations that are eager for the fight," signifies the following: "What was the cause of the scattering of Israel among the nations? Their own eagerness for strife."

Finally, R. Ishmael sent to them the following saying of his father: "There will be a city containing 365 market-places; each market will have 365 stalls; each stall will have 365 steps; and each step will contain merchandise sufficient for the entire world." So R. Simeon the son of Rabbi asked his father, according to others he asked R. Ishmael ben Jose: "To whom will such a city belong?" and the answer was: "To thee, to thy colleagues, and to the friends of thy colleagues (*i.e.*, to all righteous men), as it is written [Isaiah xxiii. 18]: 'And her gain and her hire shall be holy to the Lord; it shall not be treasured nor laid up; but for those that dwell before the Lord shall her gain be, to eat to fulness, and for magnificent clothing.'"

[Said R. Samuel ben Na'hmeni in the name of R. Jonathan: The passage [Psalms cxviii. 21], "I will thank thee, for thou hast answered me," was said by David. The next passage [ibid. 22], "The stone which the builders rejected is become the chief corner-stone," was said by Jesse (when David was chosen king). The following passage [ibid. 23], "From the Lord is this come to pass," was said by David's brothers, and the next passage [ibid. 24], "This is the day which the Lord hath made," was said by Samuel. "We beseech thee, O Lord! save us now" [ibid. 25], was said by the brothers of David. "We beseech thee, O Lord! Send us now prosperity" [ibid. ibid.], was said by David himself. "Blessed be he that cometh in the name of the Lord" [ibid. 26], was said by Jesse, and "We bless you out of the house of the Lord" [ibid. ibid.], was said by Samuel. "God is the Lord, and he giveth us light" [ibid. 27], was said by all. "Bind the festive sacrifice with cords" [ibid. ibid.], was said by Samuel. "Thou art my God, and I will thank thee" [ibid. 28], was said by David, and "My God, I will exalt thee" [ibid.], was said by all.]

R. Avira preached at one time, saying it in the name of R. Ami, and at another time quoting it in the name of R. Assi: It is written [Gen. xxi. 8]: "And the child grew and was weaned," which signifies that the Lord will prepare a meal for the children of Isaac on the day when he will receive them into his favor. After the meal and the beverages will have been consumed, the Lord will hand the cup used for the benediction after meals to Abraham, and Abraham will say: "I am not worthy; for from me issued forth Ishmael." Isaac will then be asked to pronounce the benediction, but he will refuse on the ground that from him issued forth Esau. Jacob will then be offered the cup, but he will refuse on the ground that he married two sisters, which was afterwards prohibited by Law. Moses will then be requested to say the benediction, but he also will refuse, on the ground that he was not destined to enter the promised land, neither before nor after his death. Joshua will then be asked to accept the cup, and he also will refuse, saying: "I am not worthy, for I died childless." David will finally be offered the cup, and he will accept it, saying: "I am indeed worthy and shall recite the benediction," as it is written [Psalms cxvi. 13]: "The cup of salvation will I lift up, and on the name of the Lord will I call."

**MISHNA:** It is unlawful to conclude the eating of the paschal sacrifice with a dessert.

**GEMARA:** What is meant by a dessert? Said Rabh: "After the paschal sacrifice had been eaten in one company, one should not go and eat aught in another company," and Samuel said: "The literal meaning should be taken, as, for instance, I am used to eating mushrooms for dessert, and Abba (Rabh) eats doves for dessert."

R. Hinana bar Shila and R. Johanan both say: "It means, that no dates, parched corn, or nuts should be eaten afterwards," and so we have also learned in a Boraitha.

R. Joseph said in the name of R. Jehudah, quoting Samuel: "After the unleavened bread, dessert may be eaten." Shall we assume that the Mishna supports this statement by teaching that after the paschal sacrifice no dessert should be eaten, but after the unleavened bread it may? Nay; on the contrary, after unleavened bread, which has a hardly perceptible taste, dessert must certainly not be eaten, but lest we assume that after the paschal sacrifice, which is fat and has a pungent savor, we may do so, hence we are taught that it is unlawful.

And objection was made: "We have learned that sponge-cake, honey-cake, and sugar-cake may be eaten to satiety, providing a piece of unleavened bread to the size of an olive be eaten afterwards," whence we see that those sweetmeats may be eaten before but not afterwards. Nay; this is merely to teach us, that not only does a man fulfil by eating unleavened bread when he is hungry, but even if he does so when satiated, he also acquits himself of the duty.

Rabha said: In the present day, the law pertaining to unleavened bread is biblical, but that pertaining to bitter herbs is rabbinical. Why is the law pertaining to bitter herbs rabbinical? Because the biblical law is, that it should be eaten with the paschal sacrifice; but where the latter does not exist, the bitter herbs need not be eaten? Would this not apply also to the unleavened bread? Concerning unleavened bread there is a separate and distinct commandment, namely [Exod. xii. 18]: "In the first month, on the fourteenth day of the month, at evening, shall ye eat unleavened bread." R. A'ha bar Jacob, however, said, that the law pertaining to unleavened bread is also rabbinical, and the passage just quoted refers to such as were incapacitated to eat of the paschal sacrifice, and who might assume that they were exempt from eating unleavened bread also, hence that passage imposes upon them the duty.

The following Boraitha supports the statement of Rabha: The passage [Deut. xvi. 8], "Six days shalt thou eat unleavened bread, and on the seventh day shall be a solemn assembly to the Lord thy God," implying that on the seventh day eating of unleavened bread is not obligatory: the same is the case with the other six days. Why so? Because the seventh day was excluded from the rule governing the whole seven days, and as there is a tradition that an exception holds good for the entire rule, so the exception of the seventh day holds good for the entire six; *i.e.*, if it is not obligatory to eat unleavened bread on the seventh day, it is also not obligatory on the other six days. Shall we assume, then, that it is also not obligatory on the first night? for that reason it is expressly written: "At evening shall ye eat unleavened bread," which makes it obligatory for that evening.

Shall we say that as the paschal sacrifice was a duty only when the Temple was in existence, so it is with the unleavened bread, that after the destruction of the Temple it is not obligatory; therefore the passage says: "In the evening ye shall

eat Matzoth," consequently the passage made this obligatory forever.

MISHNA: If any of the company fall asleep during the meal, they may eat of the paschal sacrifice afterwards; but if the whole company have fallen asleep, they must not again eat thereof (upon awakening). R. Jose said: "If they are only drowsy, they may eat it, but if they fall fast asleep, they must not eat of it afterwards."

The paschal offering does, after the hour of midnight, render the hands unclean. Sacrifices which are rejected or that have remained beyond their prescribed time, also render the hands unclean.

GEMARA: Abayi was sitting before Rabba. The former said that the Master was asleep, and he said to him: "Are you asleep, Master?" and he answered: "I am only drowsy"; and we have learned in a Mishna that if they are drowsy they may eat, but if they are fast asleep they must not eat of it afterwards.

Who is the Tana who holds that after midnight on the Passover eve the remaining portion of the sacrifice is called a remainder within the meaning of the law? Said R. Joseph: "R. Elazar ben Azariah."

Said Rabha: According to R. Elazar ben Azariah, if a man ate unleavened bread after midnight on the Passover eve, he has not accomplished his duty. Is this not self-evident? If the unleavened bread is put on a par with the paschal sacrifice, then surely after midnight the time during which it must be eaten has elapsed. We might assume that, because the passage finally separates the unleavened bread from the paschal sacrifice, it cannot be classed with the latter, therefore we are taught that it remains on a par with the paschal sacrifice, as stated in the passage, *Exod. xii. 8*.

MISHNA: Whosoever has said the blessing on the paschal offering is not bound to say that on the festal offering, but one who has said the blessing on the festal offering is bound to say it on the paschal offering also. Such is the dictum of R. Ishmael; but R. Aqiba said: "Neither of these absolves from the obligation of saying the other blessing."

GEMARA: R. Simlai once happened to be at a celebration of the redemption of a first-born son, and he was asked the following: "It is self-evident that the benediction, 'who hath sanctified us with his commandments and has commanded us the

redemption of our 'son,' should be said by the father, but the other benediction, namely, 'who hath permitted us to live to this time,' who is to say this—the priest, because he derives material benefit therefrom, or also the father, because he fulfils the religious duty?' R. Simlai did not know; so he went to the college and inquired, when he was told that the father of the son must pronounce both benedictions, and so the Halakha prevails.

## APPENDIX A.

(EXPLANATORY OF THE FIRST MISHNA—PAGE I.)

THIS Mishna we have explained in a different manner from that employed by the Amoraim, in our monthly periodical *Bargai* (in the note on p. 17); and as this explanation has been approved by many eminent scholars, we translate it here for the English public. The explanation quoted was in reply to the attempt of the learned Mr. Buhock of Cherson to interpret this Mishna, in an article printed in the same publication.

After a short preface reviewing the statement of Buhock, the note in question reads:

But before we endeavor to explain this Mishna according to its literal meaning, we will preface that on two points we cannot agree with the learned writer of this article, while on a third we can do so only partially:

(1) That the word "Or," which the Tanaim have used in many Mishnas and Boraithas, signifies "twilight," when there is still some light lingering. Aside from the fact that reason does not admit of this interpretation, we have against it R. Eliezer b. Jacob, who fixes the time from "Or" as that when work is prohibited, and that is only dawn, or sunrise, as the sages of the Gemara also admit; and we must say that he used in his decision a word the meaning of which was known to the whole world, as his colleague designates the "time after sunrise" by a term so well known that it is not subject to doubts. Then, as we see that all the sages understood "Or" to mean daybreak, we need not go out of our way to give to it another meaning. And inasmuch as we are aware that the Tana desired to fix the time so that all should know it, why should he, in such a case, have used

an obscure expression, the meaning of which would be subsequently a matter of dispute?

(2) That when our Mishna used the expression "the Chometz," instead of "Chometz," it refers to the Chometz mentioned in Scripture. But concerning the Sukka, the Tana has not made it known beforehand that it is obligatory to sit in a Sukka on certain days; and similarly of the Lulab and the citron. And notwithstanding this, he begins, "A Sukka which is high," etc., and not "*the* Sukka," doubtless resting upon the presumption that the scriptural law is known. Therefore we must find another leaven which was known at that time, distinct from the leaven of the Bible, and which was searched for; for of biblical leaven this Tana says further: "The place where *leaven* is not brought," not "*the* leaven."

(3) Concerning Mr. Buhock's statement, that when the Tana speaks of the usage in his time to search for leaven, he also fixed the time and quoted the Halakha ordaining that it be accomplished by the light of a candle, we can only agree with the first half of the statement, viz.; that the Tana speaks of the usage. But we deny that it was his purpose to fix the time and quote Halakhas in question; for in that case he would also have specified the time *until* when the search should be made, in the beginning of the Mishna, as he did in specifying the time of reading Shema, of which he says in the very beginning, "from this time to this time." And if we should say that he wished to fix the time of search immediately after a man's coming from the field or from work, so that the duty should not be forgotten, in that case he had also to specify the time of ending it, similar to his treatment of Shema, which was also fixed when one comes from the field, in order that it should not be forgotten, as it is said in Berachoth: "That he should not say, 'I will eat first, will drink first,' etc., and is then found sleeping the whole night." Nevertheless, they fixed times, one till the end of the first watch, one till midnight, and one till dawn, in the very same place where the time of the beginning is specified. But here, at the end of the Mishna even, he does not fix any time for stopping, as will be explained further on. Therefore we must seek another manner of explaining this Mishna, and in the same connection express our opinion about all the Mishnayoth which begin with diverse Halakhas before stating the source and obligatoriness of these Halakhas. We will proceed to do this after one other prefatory remark, viz., that our sages have long ago permitted us to



interpret the Mishna in a manner different from the sages of the Gemara; that is to say, not to be at variance with the Halakhas which are decided in the Gemara, but only in the interpretation of the meaning of the Mishna, which the Babylonians did not always understand, owing to their remoteness in place and time. (See A. H. Weiss, Vol. III., p. 17, etc., and "He'halutz," V., p. 33; and also Tosphath Yom Tob, Tract Nazir, V., 5.) And sometimes even when they understood it, seeing that it would not agree with the Halakha which was customary, or even with the saying of a certain great Amora with whom they could not differ, they strained the Mishna, discovered it in different readings, and made strange comment, to make it correspond with the customary Halakha or the opinion of the Amora. Therefore they made deductions and additions at their pleasure. And now, without touching on the Halakhas concerning the search of leaven, we will investigate the origin of this usage in the times of the Mishna.

The custom was in the East in former days, as well as at the present time, to eat fresh bread every day; and in every household bread was baked daily (for bread of bakers was rare, and the populace scarcely used it). And on the day before Passover, when the first meal, *i.e.*, of leavened bread, had to be taken in the morning not later than the fourth hour (*i.e.*, 10 A.M.), they baked their bread in good time, before daybreak, and after this they searched for any leaven that might have been left, gathered it to one place, and cleared the house of it; and as dawn had not yet illuminated the house, they used a candle to make search in all those places where they were liable to carry leaven. The Tana of our Mishna, who everywhere used as a support the custom well known in his time, without beginning to relate the *law* anew (of which the best proof is the mention of the Lulab, as he begins the Halakha, "A purloined Lulab is invalid," before he has stated that the palm-boughs mentioned in the Bible are equivalent to the Lulab; and if he did not make reference to the custom known to all in his time, he should have declared what the palm-branches meant), stated, here also, this custom as follows: "'Or' (at daybreak) on the fourteenth, search is made (by the women) for the leaven (which they are at the time using), by candle-light (that it may be transferred to other places before the sun illuminates the house)." And he approves the custom by saying: "A place where leaven is not carried does not require searching"; that is to say, this custom is proof that

leaven need not be searched for in other places, and at other times.

“ Beth Shammai say, ‘ also two rows (of barrels) ranging across the whole cellar ’ (the women searched for leaven in, because they were accustomed to go there with hands fresh from kneading leavened dough to fetch the yeast obtained from the wine for baking); but Beth Hillel say, ‘ only the upper row of the two outer rows ’ (they made search in, because only from those rows did they fetch the yeast, but not from all barrels of the cellar). (And) it is not apprehended that a weasel had transferred it from one spot to another, and from one house to another; for if so, then it will be feared, from court to court, etc. R. Jehudah says: Search was made at daybreak on the 14th, and on the morning, and at the time of clearing (*i.e.*, when the bread is baked, when it is eaten, and when it is burned), and the sages say: If search has not been made at daybreak on the 14th, it is made on the 14th (*i.e.*, in the morning); if not on the 14th, it is done on the intermediate days; if not on these days, it may be done after the festival (that is to say, the men are under no particular obligation, and have no particular time prescribed for them, to make search for the leaven, and it is not feared lest they forget, for even if that occur, they lose nothing).”

This was the form of the Mishna which the arranger of the Mishnas had before him, or had heard orally, and he was not anxious to explain its meaning, as in his time also the custom had not yet undergone any change. But some copyist, who did not understand the relevancy of the cellar to the leaven, added at the margin: “ Why were the two rows of barrels in a cellar mentioned? That is a place whither leaven is carried.” Later this marginal note was inserted into the text of the Mishna. The sages of the Gemara, truly, were not satisfied with this remark, and put the question: “ Who spoke here of a cellar ?” For they thought that this Mishna stated the Halakha, and therefore were anxious to ascertain the meaning of the word “ Or.” R. Huna explained it to mean “ Nog’hi ” (“ light,” in Aramaic), *i.e.*, the beginning of the day; and R. Jehudah “ before daybreak,” as in the language of his part of the country it designated the time before daybreak, when it is yet night. The other also reasoned, and said: “ At the first glance, it seems ‘ Nog’hi ’ means ‘ light,’ ” etc.; and as it was perplexing to their minds why candle-light was needed for the search, they sought for reasons in Scripture, and used passages thereof in support of

their opinions, arguments from analogies of expression, etc., etc., which did not enter the Tana's mind at all.

And it is manifest that in all the Boraithoth in which the word "Or" was used, it means "dawn," which was the latest time for all duties to be performed in the night. Even in the Boraitha in Yoma, stating: "'Or' on the Day of Atonement the prayer should be so and so," etc., the word is also used to designate the whole night till the break of day, during which the prayer is yet called "prayer of the evening"; but that after daybreak is called "morning prayer."

## APPENDIX B.

(SUPPLEMENTARY TO SECOND NOTE, PAGE 66.)

IT seems to us necessary, in explanation of this curious passage, to make the following extract from our "History of Amulets":

It is no wonder that the change of one letter in a word resulted in the writing of volumes upon volumes and the adoption of hundreds of restrictions.

The following instance will illustrate this: R. Jehudah being once in a company of friends advised the housekeeper not to use for bread-making any other water than that kept in the house, and he expressed it in six words:

אשה לא תלוש אלא במים שלנו

(A woman should not knead with other than *our* water). The reason was that other water might have been poisoned by snakes, which are abundant in those countries. R. Jehudah said this in reference to the dispute in the *Boraitha* (Terumath VI.) where one maintained that bread made with water kept in an uncovered vessel outside the house should be burnt, even if it were bread of *Terumah*. R. Nehemiah was of the opinion that the snake poison loses its power when brought into contact with fire, and therefore that the bread might be used. To avoid this, R. Jehudah advised the use of *domestic* water, which he expressed by the word (שלנו) "our."

R. Mathna, who lived sixty years after R. Jehudah, happened to be in the city of "Papuni" and on a certain occasion (prob-

ably having some objection to the use of the water of that city) lectured in public about using the water which collects in the public streets, and he quoted R. Jehudah's original words: "A woman should not knead with other than *our* water." The people present understood R. Mathna to have brought some water along with him because of his using the word "our." They therefore came to him the next day with vessels to get some of this water. Then R. Mathna explained in the Talmudic language that he meant domestic water, namely

(אנא במיא דביתא קאמרינא)

using the word (דביתא) (d'baitha with an א) at the end, having the meaning "domestic." In course of time the word *d'baitha* was incorrectly copied and the Aleph (א) at the end was changed to Vav (ו), which would make it mean "which has remained over night." The Rabanim, finding the word in this changed form (רביתו), concluded that it related to the Matzoth (unleavened bread) used at the Passover and therefore maintained that the water used in making Matzoth must remain over night in the house before it is used. Neither R. Jehudah nor R. Mathna mentioned this, but it was assumed simply because these words of R. Jehudah are found in that tract of the Talmud which treats of the Passover feast. The later Rabanim wrote volume after volume upon this subject (see our journal *Ha-Kol*, Nos. 286, 287, 290, etc.). Still they could not give the least explanation of why they referred this to the Matzoth, and they did not care to investigate where R. Jehudah got it from nor how Matzoth were kneaded before his time.

END OF TRACT PESACHIM.









